

Status: Point in time view as at 01/04/2016.

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

SCHEDULES

SCHEDULE 4

RESERVOIRS

Flood plans

- 20 (1) Section 12A (flood plans) is amended as follows.
- (2) In subsection (1) omit the words from “setting” to the end.
- (3) After section 12A(1) insert—
- “(1A) A flood plan is a document—
- (a) giving information about the areas that may be flooded in the event of an uncontrolled escape of water from the large raised reservoir,
 - (b) specifying the action that the undertaker would take in order to prevent an uncontrolled escape of water, and
 - (c) specifying the action that the undertaker would take in order to control or mitigate the effects of a flood.”

Commencement Information

I1 Sch. 4 para. 20 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b)

I2 Sch. 4 para. 20 in force at 1.4.2016 for W. by S.I. 2016/79, art. 2(d)

- 21 After section 12A insert—

“12AA Flood plans: preparation

- (1) This section applies where an undertaker is directed to prepare a flood plan under section 12A.
- (2) The undertaker must prepare a flood plan in consultation with the appointed engineer.
- (3) The undertaker may not provide a copy of, or publish, a flood plan in accordance with a direction under section 12A(2)(d) or (e) unless the appointed engineer has certified that the requirements of a direction under section 12A(2)(a) and (b) are satisfied.
- (4) The undertaker must test a flood plan at such times and in such manner as may be directed by the appointed engineer.
- (5) In the event of flooding, or if flooding is reasonably expected to occur, the undertaker must implement the flood plan without delay.
- (6) The undertaker—

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- (a) must keep a flood plan under review, and
 - (b) may revise a flood plan.
- (7) The undertaker must revise the flood plan in accordance with the directions of the appointed engineer.
- (8) The following apply to a revision of a flood plan as they apply to a flood plan—
- (a) subsections (2) to (7), and
 - (b) any requirements of a direction under section 12A.
- (9) In this section “appointed engineer” means—
- (a) in the case of a high-risk reservoir, the supervising engineer, and
 - (b) in any other case, the engineer appointed for the purposes of this section.”

Commencement Information

I3 Sch. 4 para. 21 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b)

I4 Sch. 4 para. 21 in force at 1.4.2016 for W. by S.I. 2016/79, art. 2(d)

- 22 (1) Section 19 (references) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) If an engineer determines that the requirements of a direction under section 12A(2)(a) and (b) are not satisfied for the purposes of section 12AA(3), the undertaker may refer the matter to a referee in accordance with rules under this section.”
- (3) In subsection (2) after “recommendation” insert “ or determination ”.
- (4) In subsections (3) and (4) for “this section” substitute “ subsection (1) ”.
- (5) After subsection (4) insert—
- “(4A) A referee under subsection (1A) may direct the engineer to issue a certificate for the purposes of section 12AA(3).”

Commencement Information

I5 Sch. 4 para. 22 in force at 1.10.2011 for specified purposes by S.I. 2011/2204, art. 3(1)(f)

I6 Sch. 4 para. 22 in force at 30.7.2013 for E. so far as not already in force by S.I. 2013/1590, art. 3(b)

I7 Sch. 4 para. 22 in force at 1.4.2016 for W. in so far as not already in force by S.I. 2016/79, art. 2(d)

- 23 (1) Section 20 (reports, certificates etc.) is amended as follows.
- (2) In subsection (4)(c) omit “modifying any such report as is mentioned in paragraph (b) above”.
- (3) After subsection (4)(g) (inserted by paragraph 17(6)) add—
- “(h) any direction given under section 12AA(4) or (7).”

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I8 Sch. 4 para. 23 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b)

I9 Sch. 4 para. 23 in force at 1.4.2016 for W. by S.I. 2016/79, art. 2(d)

24 In section 22 (criminal liability) after subsection (1AD) (inserted by paragraph 19) insert—

“(1AE) An undertaker who fails to comply with section 12AA(4), (6)(a) or (7) is guilty of an offence and liable—

(a) on conviction on indictment, to a fine, or

(b) on summary conviction, to a fine not exceeding the statutory maximum.

(1AF) An undertaker who fails to comply with section 12AA(5) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

Commencement Information

I10 Sch. 4 para. 24 in force at 30.7.2013 for E. by S.I. 2013/1590, art. 3(b)

I11 Sch. 4 para. 24 in force at 1.4.2016 for W. by S.I. 2016/79, art. 2(d)

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