

STATUTORY INSTRUMENTS

2010 No. 1102

The Flood Risk (Cross Border Areas) Regulations 2010

PROSPECTIVE

Amendment of the Flood Risk Management (Scotland) Act 2009

33. After section 50 (Sub-district flood risk advisory groups) insert—

“Cross border areas

50A.—(1) When exercising the functions listed in subsection (2) in relation to a Scottish cross border area, the authority exercising the function must have regard to—

- (a) the impact on flood risk in an adjacent English cross border area of actions and inactions in the Scottish cross border area,
- (b) the impact on flood risk in the Scottish cross border area of actions and inactions in an adjacent English cross border area,
- (c) documents produced under Parts 2, 3 and 4 of the Flood Risk Regulations in relation to an adjacent English cross border area, and
- (d) the advice given by the Cross Border Advisory Group under regulation 39 of the Flood Risk Regulations.

(2) The functions are those contained in—

- (a) section 9(1),
- (b) section 10(1),
- (c) section 13(1),
- (d) section 14(1),
- (e) section 21(1),
- (f) section 24(1),
- (g) section 27(1),
- (h) section 33(1), and
- (i) section 34(1).

(3) SEPA and each lead authority must—

- (a) co-operate with any English flood authority for the purpose of assisting that authority to exercise its functions under the Flood Risk Regulations in relation to an English cross border area, and
- (b) co-ordinate the exercise of its functions which relate to a Scottish cross border area with an English flood authority so as to take into account the risk of flooding in an adjacent English cross border area.

(4) In this section “English flood authority” means—

- (a) the Environment Agency,

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Flood Risk (Cross Border Areas) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(b) a lead local flood authority within the meaning of the Flood Risk Regulations whose area falls wholly or partly in an English cross border area.”.

Commencement Information

11 Reg. 33 in force at 30.4.2010, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- reg. 33 coming into force by [S.I. 2010/1102 reg. 1\(2\)](#)