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STATUTORY INSTRUMENTS

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**2011 No. 697**

**FLOOD RISK MANAGEMENT, ENGLAND**

**The Flood Risk Management Overview and  
Scrutiny Committee (England) Regulations 2011**

<i>Made</i>	- - - -	<i>7th March 2011</i>
<i>Laid before Parliament</i>		<i>10th March 2011</i>
<i>Coming into force</i>	- -	<i>6th April 2011</i>

The Secretary of State, in exercise of the powers conferred by sections 21F(4) and 105(2)(a) of the Local Government Act 2000(1), makes the following Regulations:

**Citation, commencement and expiry**

1. These Regulations—
  - (a) may be cited as the Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011;
  - (b) come into force on 6th April 2011; and
  - (c) cease to have effect on 6th April 2018.

**Review**

- 2.—(1) Before the end of the review period, the Secretary of State must—
  - (a) carry out a review of these Regulations;
  - (b) set out the conclusions of the review in a report; and
  - (c) lay the report before Parliament.
- (2) The report must in particular—
  - (a) set out the objectives intended to be achieved by these Regulations;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a scheme that imposes less regulation.
- (3) In this regulation, “review period” means the period of five years beginning with the day on which these Regulations come into force.

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(1) [2000 c. 22](#). Section 21F was inserted by paragraph 54 of Schedule 2 to the Flood and Water Management Act [2010 \(c. 29\)](#).

### **Duty to comply with requests for information and responses**

- 3.—(1) A request under section 21F(3) of the Act must be in writing.
- (2) The duty under section 21F(3) of the Act includes a duty—
- (a) to comply with a request made under section 21F(3) within 28 days beginning with the date on which the risk management authority received the request, or a longer period as agreed between the risk management authority and the overview and scrutiny committee;
  - (b) to indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested; and
  - (c) for the risk management authority to attend before an overview and scrutiny committee to give information orally, if requested to do so by such a committee.
- (3) If a risk management authority must disclose confidential information during a meeting of the overview and scrutiny committee in order to comply with regulation 3(2)(c) then, if requested by that authority, the overview and scrutiny committee must hold that meeting in private.
- (4) Without the consent of a risk management authority, the overview and scrutiny committee must not disclose any confidential information it receives from that authority in compliance with a request under section 21F(3), except to the local authority that appointed that committee.
- (5) In this regulation—
- (a) “the Act” means the Local Government Act 2000; and
  - (b) information is “confidential information” if—
    - (i) it constitutes a trade secret;
    - (ii) its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority); or
    - (iii) it was obtained by a risk management authority from any other person, and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that or any other person.

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

7th March 2011

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations relate to the duty of a risk management authority under section 21F(3) of the Local Government Act 2000 (c. 22) to comply with any request made by an overview and scrutiny committee for information or a response to a report.

Regulation 3 specifies that this duty includes a duty to attend before the overview and scrutiny committee to give information orally, if requested by that committee (paragraph (2)(c)). It also requires responses to be made within 28 days unless agreed otherwise (paragraph (2)(a)), and for responses to a report to include an indication of the action (if any) the risk management authority proposes to take (paragraph (2)(b)).

Regulation 3 also contains provisions to safeguard any confidential information held by the risk management authority against disclosure (paragraphs (3) and (4)).

Regulation 1(c) provides that these Regulations are to cease to have effect seven years after their coming into force.

Regulation 2 requires the Secretary of State to review the operation and effect of these Regulations and to lay a report before Parliament within five years after the Regulations come into force. Following the review, the Secretary of State will decide whether the Regulations should be allowed to expire as Regulation 1(c) provides, be revoked early, or be maintained in force with or without amendments. A further instrument would be needed to maintain the Regulations in force with or without amendments or to revoke them early.

An impact assessment of the effect that this instrument will have on the costs of business and the public sector is available from the website of the Department for Environment, Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk).