This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

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**General duty: managing flood risk sustainably**
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With 15 - 36, 39, 43, 44, 45, 46, 47, 76, 48, 49, 77, 51, 54, 55, 56, 62

*Notes on amendments in this group*
Amendment 47 pre-empts amendment 76

**SEPA: duty to prepare maps of artificial structures and natural features**
With 16 - 34, 50, 52, 59, 60

**Objectives and measures: sustainability etc.**
With 27 - 28

**Strategic assessment (including use in funding decisions)**
With 70 - 71, 72, 73, 74
Amendments in debating order

Objectives and measures: assessment of costs

Bill Wilson

In section 24, page 12, line 12, at end insert <including social, environmental and economic costs,>

Objectives and measures: surface run-off water and urban drainage

Roseanna Cunningham

In section 24, page 12, line 17, at end insert <including the management of surface run-off water and urban drainage>

Roseanna Cunningham

In section 29, page 16, line 10, at end insert—

<(  ) a description of how the functions of the persons identified under paragraph (b)(i) will be coordinated to implement the measures and, in particular, a description of how those functions will be coordinated insofar as the measures relate to surface run-off water or urban drainage, and>

Objectives and measures: civil contingencies

Roseanna Cunningham

In section 24, page 12, line 20, at end insert—

<(  ) any plan or assessment published under section 2(1)(f) of the Civil Contingencies Act 2004 (c.36) relating to the district,>

Objectives and measures: structural and non-structural measures

Roseanna Cunningham

In section 24, page 12, line 28, leave out subsections (2) and (3) and insert—

<(2A) For the purposes of subsection (1)(b)—
(a) a measure is structural if it involves flood protection work, and
(b) non-structural measures include flood warning, awareness raising and the preparation and review of development plans.
(2B) In subsections (1)(a)(viii) and (2A)(b)—
“development plan” has the meaning given in section 24 of the Town and Country Planning (Scotland) Act 1997 (c.8),
“the planning Acts” has the meaning given in section 277(1) of that Act.>
Flood risk management plans: consultation

John Scott

87 In section 25, page 13, line 22, leave out <considers> and insert <or the Scottish Ministers consider>

Local flood risk management plans: supplementary and implementation parts

Peter Peacock

125 In section 29, page 15, line 32, at end insert—

<(  ) an assessment of the potential contribution that alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area within the local plan district could make to flood risk management within the district.>

Roseanna Cunningham

32 In section 29, page 15, line 33, after <plan> insert <including such—

(i) maps, and

(ii) further information about the measures summarised under paragraph (a).>

Elaine Murray

123 In section 29, page 16, line 2, at end insert—

<(  ) Where the summary under subsection (3)(a) includes reference to the contribution that natural features and characteristics could make to flood risk management within the local plan district, information included under subsection (3)(b)(ii) must include the lead authority’s detailed assessment of the contribution those features and characteristics could make to the management of flood risk within that district.>

Peter Peacock

126 In section 29, page 16, line 12, at end insert—

<(4A) Subsection (4B) applies where the implementation of any current measure is not to involve the alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area within the local plan district.>

(4B) The implementation part must explain why that implementation is not to involve such alteration or restoration.

Local flood risk management plans: consultation etc.

Roseanna Cunningham

90 In section 29, page 16, line 16, at end insert—

<(  ) Before making regulations under subsection (6), the Scottish Ministers must consult—>
(a) SEPA,  
(b) every responsible authority, and  
(c) such other persons as they consider appropriate.>

Roseanna Cunningham

91 In section 30, page 16, line 38, leave out <a local> and insert <the relevant>

Roseanna Cunningham

92 In section 30, page 16, line 40, after second <the> insert <local flood risk management>

Local flood risk management plans: joint working

Bill Wilson

89 In section 34, page 19, line 23, at end insert—

<(  ) In pursuance of subsection (1), those authorities may use any means of working together (including, for example, a joint board established by the Scottish Ministers under section 62A of the Local Government (Scotland) Act 1973 (c.65)).>

Development plans and individual planning decisions

Rhoda Grant

75 After section 36, insert—

<Town and Country Planning (Development Planning) (Scotland) Regulations 2008

(1) The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (SSI 2008/426) are amended as follows.

(2) In regulation 1(1) (citation, commencement and interpretation) insert at the appropriate place in alphabetical order the following definitions—

““flood risk management plan” means a flood risk management plan approved under section 27 of the Flood Risk Management (Scotland) Act 2009;”,

““local flood risk management plan” means a local flood risk management plan finalised under section 31 of the Flood Risk Management (Scotland) Act 2009;”.>

(3) After regulation 3(1)(e) (information and considerations) insert—

“(ea) any flood risk management plan relating to the strategic development plan area;”.

(4) After regulation 10(1)(f) (information and considerations) insert—

“(fá) any local flood risk management plan relating to the local development plan area;”>.
This is not the marshalled list

Peter Peacock

127 After section 36, insert—

<Town and Country Planning (Scotland) Act 1997

After section 37(2) of the Town and Country Planning (Scotland) Act 1997 (c.8) insert—

“(2A) Where an assessment has been carried out under paragraph 1(1) of schedule 5 to the Town and Country Planning (Development Planning Procedure) (Scotland) Regulations 2008 (SSI 2008/432), that assessment is, for the purposes of subsection (2), a material consideration.”>

Sections 38 and 81: minor drafting points

Roseanna Cunningham

93 In section 38, page 21, line 31, leave out <other>

Roseanna Cunningham

94 In section 38, page 21, line 31, after <not> insert <SEPA, a responsible authority or>

Roseanna Cunningham

117 In section 81, page 43, line 7, leave out <the members> and insert <a member>

Sub-district advisory groups: representation

Roseanna Cunningham

95 In section 43, page 25, line 9, at end insert—

<(  ) In determining the remit and membership of a sub-district advisory group, SEPA must seek to ensure appropriate representation of the interests of—

(a) every responsible authority which has functions exercisable in or in relation to the sub-district,

(b) Scottish Natural Heritage,

(c) where any part of the sub-district has been designated as a National Park, the National Park authority for the National Park, and

(d) such other persons as appear to SEPA to have an interest in flood risk management for the sub-district.>

Land management orders

Elaine Murray

128 In section 49, page 27, line 10, at end insert—
<Land management orders>

Chapter 3 (land management orders) of Part 2 of, and schedule 3 (land management orders and related orders: procedure) to, the Nature Conservation (Scotland) Act 2004 (asp 6) apply, with these modifications—

(a) any reference to land which is, which forms part of, or which is contiguous to a site of special scientific interest is to be construed as a reference to land on which the local authority considers it necessary to carry out—

(i) operations to which a flood protection scheme relates (see section 52 of this Act), or

(ii) other flood protection work,

(b) any reference to SNH is to be construed as a reference to a local authority acting in pursuance of section 49 of this Act,

(c) any reference to the conservation, restoration or enhancement of any natural feature specified in an SSSI notification, or to the carrying out of operations for such conservation, restoration, or enhancement, is to be construed as a reference to—

(i) the carrying out of operations to which a flood protection scheme relates, or

(ii) other flood protection work,

(d) any reference to a management agreement is to be construed as a reference to an agreement or arrangement under section 49(2)(d) of this Act between the local authority and the owner or occupier of the land to which the land management order relates.>

Flood protection schemes: consultation

Roseanna Cunningham

Before making an order under subsection (4), the Scottish Ministers must consult—

(a) every local authority,

(b) such bodies appearing to them to be representative of the interests of local authorities as they consider appropriate,

(c) SEPA,

(d) Scottish Natural Heritage,

(e) Scottish Water,

(f) the National Park authority for each National Park, and
 Registers of flood protection schemes

Roseanna Cunningham

97 After section 53, insert—

<Registers of flood protection schemes

(1) Every local authority must keep a register of flood protection schemes.

(2) A local authority must enter into its register—

(a) details of each relevant scheme including—

(i) a summary of the operations described in the scheme,

(ii) a description (by reference to a map) of the land affected by those operations, and

(iii) a note of the date on which notice of the scheme is first published under paragraph 1(1)(a) of schedule 2,

(b) a note of the following in relation to each such scheme—

(i) any decision made under paragraph 4(1), 5(1), 7(4), or 9(1) of schedule 2,

(ii) the fact that notice has been given to the Scottish Ministers under paragraph 5(5) of that schedule including whether any relevant objector is a local authority or a National Park authority,

(iii) the fact that notice has been given of proposed modifications under paragraph 7(5)(a) or 9(3)(a) of that schedule,

(c) where such a scheme is confirmed with modifications, the information specified in paragraph (a)(i) and (ii) in relation to the modified scheme, and

(d) a note of any suspension of the operation of such a scheme under paragraph 12(6) of schedule 2.

(3) For the purposes of subsection (2)(a), a relevant scheme is a scheme—

(a) proposed by the local authority, or

(b) in relation to which it is notified under paragraph 1(1)(f)(iii) of schedule 2.

(4) A local authority may remove information from its register relating to a scheme if the scheme is rejected under paragraph 4(1)(b), 7(4)(c) or 9(1)(c) of schedule 2.

(5) A local authority must amend its register to reflect any decision of a sheriff under paragraph 12(7) of schedule 2 to quash a scheme recorded in its register in whole or in part.

(6) Where a local authority enters information in its register about a scheme in relation to which it notified another local authority under paragraph 1(1)(f)(iii) of schedule 2, it must notify that authority of the information entered.

(7) A local authority must make available its register for public inspection and may charge a reasonable fee for doing so.>
After section 53, insert—

<Registers of flood protection schemes: information about schemes under 1961 Act

A local authority must enter into its register details of every flood prevention scheme made by it under the 1961 Act including—

(a) a summary of the operations to which the scheme relates, and
(b) a description (by reference to a map) of the land affected by those operations.>

Roseanna Cunningham

After section 53, insert—

<Registers of flood protection schemes: regulations etc.

(1) The Scottish Ministers may by regulations make further provision about the keeping of registers under section (Registers of flood protection schemes)(1) including, in particular, provision as to—

(a) the content of a register,
(b) the time by which information must be entered into a register,
(c) the circumstances in which information may or must be removed from a register, and
(d) the time by which notice must be given under section (Registers of flood protection schemes)(6).

(2) Regulations under subsection (1) may also—

(a) make further provision about the availability of registers under section (Registers of flood protection schemes)(7) including, in particular, provision as to the form and manner in which registers are to be made available,
(b) make provision—
   (i) requiring local authorities to make available their registers to a person specified in the regulations,
   (ii) as to the form and manner in which the registers are made available to the person,
   (iii) requiring local authorities to inform the person of any change to their registers as soon as reasonably practicable or within a period specified in the regulations, and
   (iv) requiring the person to make available information from local authorities’ registers for public inspection.

(3) References in this section and sections (Registers of flood protection schemes) and (Registers of flood protection schemes: information about schemes under 1961 Act) to a local authority’s register are references to the register of flood protection schemes kept by the authority.>
Acquisition of land: exemption of Crown land

Roseanna Cunningham

100 In section 55, page 29, line 21, after <land> insert <(other than Crown land within the meaning of section 80(7)(a))>.

Recovery of expenses, damage to flood protection work and powers of entry: schemes under 1961 Act

Roseanna Cunningham

101 In section 57, page 30, line 6, leave out <under section 49> and insert—

(a) under section 49, or

(b) in accordance with a flood prevention scheme confirmed under section 4 of the 1961 Act.

Roseanna Cunningham

102 In section 59, page 30, line 25, leave out from <in> to <Part> in line 26 and insert—

(i) in exercise of any of its functions under this Part, or

(ii) in accordance with a flood prevention scheme confirmed under section 4 of the 1961 Act.

Recovery of expenses: maintenance of watercourses

Elaine Murray

130 In section 57, page 30, line 6, after <49> insert <, or any cleansing, repairs or maintenance of watercourses required under section 56,>.

Statutory undertakers and undertakings

Roseanna Cunningham

103 In section 61, page 31, line 17, leave out <has the meaning given in> and insert <means—

(a) the holder of a licence under section 6(1) of the Electricity Act 1989 (c.29),

(b) a gas transporter within the meaning of Part 1 of the Gas Act 1986 (c.44),

(c) the Civil Aviation Authority,
(d) a holder of a licence under Chapter 1 of the Transport Act 2000 (c.38),
(e) the operator of an electronic communications code network within the meaning of paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c.21), and
(f) any other person who is a statutory undertaker within the meaning of section 214(1) of>

Roseanna Cunningham

104 In section 61, page 31, line 19, at end insert—

< ( ) means, in relation to a person mentioned in paragraphs (a) to (e) in the definition of “statutory undertaker”, the person’s undertaking,>

Roseanna Cunningham

119 In schedule 3, page 53, line 18, at end insert—

<Civil Aviation Act 1982 (c.16)

In paragraph 4 of Schedule 2 to the Civil Aviation Act 1982 (Civil Aviation Authority deemed to be statutory undertaker), the entry relating to the Flood Prevention (Scotland) Act 1961 is repealed.>

Roseanna Cunningham

120 In schedule 3, page 53, line 23, at end insert—

<Electricity Act 1989 (c.29)

Paragraph 1(1)(xi) of Schedule 16 to the Electricity Act 1989 (licence holder deemed to be statutory undertaker) is repealed.>

Roseanna Cunningham

121 In schedule 3, page 53, line 29, at end insert—

<Gas Act 1995 (c.45)

Paragraph 2(1)(ix) of Schedule 4 to the Gas Act 1995 (gas transporter deemed to be statutory undertaker) is repealed.>

Roseanna Cunningham

122 In schedule 3, page 54, line 3, at end insert—

<Transport Act 2000 (c.38)

Paragraph 1(2)(h) of Schedule 5 to the Transport Act 2000 (licence holder deemed to be statutory undertaker) is repealed.>

Water Industry Commission: Duty to have regard to sustainable flood risk management functions

Peter Peacock

78 After section 61, insert—
Scottish Water

(1) The Water Industry (Scotland) Act 2002 (asp 3) is amended as follows.

(2) In section 29B(4), before paragraph (a) insert—

“(za) the Commission must have regard to Scottish Water’s duty under section 51(A),”.

(3) In section 29D(4), for section “51(1)” substitute “sections 51(1) and 51A”.

(4) After section 51, insert—

“51A Sustainable flood risk management
Scottish Water must, in exercising its functions, act in a way best calculated to promote sustainable flood risk management.”.

(5) In section 56A(3), for “section 51(1)” substitute “sections 51(1) “and 51A”.

Powers of entry: flood risk assessments

Roseanna Cunningham

105 In section 68, page 34, line 35, at end insert—

<( ) section 9 (preparation of flood risk assessments),
( ) section 10 (review and updating of flood risk assessments),>

Compensation: variation and revocation of improvement orders

Roseanna Cunningham

107 In section 71, page 37, line 15, at end insert—

<( ca) the variation or revocation of an improvement order under section 53, or>

Roseanna Cunningham

108 In section 72, page 37, line 34, at end insert—

<( ) Subsection (2)(b) does not apply where the damage has been sustained in consequence of circumstances falling within section 71(2)(ca).>

Reservoirs: timescale for transitional arrangements

Roseanna Cunningham

109 In section 74, page 38, line 20, leave out <as soon as practicable> and insert <no later than 28 days>
**Reservoirs: incident reporting**

**Roseanna Cunningham**

110 In section 77, page 39, line 22, leave out <large raised reservoirs> and insert <reservoirs in Scotland which meet criteria specified in, or otherwise determined in accordance with, the regulations>

**Roseanna Cunningham**

111 In section 77, page 39, line 23, at end insert—

\(<( ) \) provide that the enforcement authority or another person—

(i) may specify the criteria, and

(ii) is to determine whether a reservoir meets the criteria,>

**Roseanna Cunningham**

112 In section 77, page 39, line 33, at end insert—

\(<( ) \) confer powers of entry on the enforcement authority in connection with its functions under the regulations,>

**Roseanna Cunningham**

113 In section 77, page 40, line 12, leave out <an order> and insert <regulations>

**Roseanna Cunningham**

114 In section 77, page 40, leave out line 15 and insert—

\(<( ) \) undertakers of reservoirs to which they consider the regulations will apply,>

**Roseanna Cunningham**

115 In section 77, page 40, line 17, at end insert—

\(<( ) \) The power to make regulations under subsection (1) may be exercised so as to make different provision for different purposes,>

**Reservoirs: flood plans**

**Roseanna Cunningham**

116 After section 77, insert—

\(<Flood plans\>

After section 12B of the 1975 Act, insert—

“12C Flood plans: Scotland

(1) The Scottish Ministers may by regulations made by statutory instrument provide that a flood plan is to be prepared for each reservoir in Scotland which meets criteria specified in, or otherwise determined in accordance with, the regulations.”
A “flood plan” is a plan setting out the action to be taken by the undertaker of the reservoir to which the plan relates in order to control or mitigate the effects of flooding likely to result from any escape of water from the reservoir.

The regulations may, in particular—

(a) provide that the enforcement authority or another person—
   (i) may specify the criteria, and
   (ii) is to determine whether a reservoir meets the criteria,
(b) specify what is to be included in a flood plan and may, in particular, provide that a plan must include a map,
(c) specify the form in which a flood plan is to be prepared,
(d) provide that it is for the undertaker of a reservoir or other person to prepare a flood plan in relation to the reservoir,
(e) require the person preparing a flood plan to have regard to guidance issued by the enforcement authority or the Scottish Ministers,
(f) require the flood plan to be produced or submitted to the enforcement authority by such time as—
   (i) the regulations specify, or
   (ii) the authority or Scottish Ministers may direct,
(g) make provision about the approval of flood plans,
(h) make provision for the review and updating of flood plans,
(i) provide for a register of flood plans to be established and maintained,
(j) make provision for the publication, or distribution of copies, of—
   (i) a list of reservoirs in relation to which a flood plan must be prepared by virtue of the regulations,
   (ii) flood plans, and
   (iii) reports,
(k) make provision in connection with the testing of flood plans,
(l) require the undertaker of a reservoir to take action set out in the flood plan relating to the reservoir in the event of an emergency,
(m) provide that the enforcement authority may, in circumstances specified in the regulations, do anything that another person is required to do under the regulations and may recover the costs of doing so from that person,
(n) confer powers of entry on the enforcement authority in connection with its functions under the regulations,
(o) make provision in connection with paragraphs (m) and (n) amending this Act (other than this section) or applying this Act with modifications,
(p) create offences,
(q) provide that any offence created is triable—
   (i) only summarily, or
(ii) either summarily or on indictment,

(r) provide for any offence created which is triable only summarily to be punishable on conviction by a fine not exceeding level 5 on the standard scale,

(s) provide for any offence created which is triable either summarily or on indictment to be punishable—

(i) on summary conviction, by a fine not exceeding the statutory maximum,

(ii) on conviction on indictment, by a fine.

(4) Before making regulations under subsection (1), the Scottish Ministers must consult—

(a) SEPA,

(b) undertakers of reservoirs for which they consider a flood plan will require to be prepared under the regulations,

(c) the Institution of Civil Engineers, and

(d) such other persons as they consider appropriate.

(5) The power to make regulations under subsection (1) may be exercised so as to make different provision for different purposes.

(6) A statutory instrument made under subsection (1) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.”

Annual financial impact report

Derek Brownlee

124 After section 81, insert—

Annual financial impact report

(1) As soon as is practicable, and no later than six months, after the end of a relevant period the Scottish Ministers must prepare and lay before the Scottish Parliament a report containing the information specified in subsection (2).

(2) That information is—

(a) the costs—

(i) incurred by the Scottish Administration, SEPA and each of the groups of bodies mentioned in subsection (9); and

(ii) estimated by the financial memorandum to be incurred by the Scottish Administration, SEPA and each such group of bodies,

in implementing this Act in the relevant period to which the report relates;

(b) the total costs—

(i) incurred by the Scottish Administration, SEPA and each of the groups of bodies mentioned in subsection (9); and
(ii) estimated by the financial memorandum to be incurred by the Scottish Administration, SEPA and each such group of bodies, in implementing this Act in the period from Royal Assent to the end of the relevant period to which the report relates;

(c) the difference between the figure listed for each of the Scottish Administration, SEPA and the groups of bodies mentioned in subsection (9) by virtue of—

   (i) subsection (2)(a)(i); and
   (ii) subsection (2)(a)(ii); and

(d) the difference between the figure listed for each of the Scottish Administration, SEPA and the groups of bodies mentioned in subsection (9) by virtue of—

   (i) subsection (2)(b)(i); and
   (ii) subsection (2)(b)(ii).

(3) The difference identified by virtue of—

   (a) subsection (2)(c) must be stated as an amount; and
   (b) subsection (2)(c) or (d) must be stated as a percentage of the relevant figure in the financial memorandum (unless the relevant figure in the financial memorandum was zero).

(4) Subsection (5) applies where—

   (a) any difference stated as mentioned in subsection (3)(a)—

      (i) is between £1 million and £5 million (but only where the relevant figure in the financial memorandum was zero); or

      (ii) exceeds £5 million;

   (b) any difference stated as mentioned in subsection (3)(b) is—

      (i) less than 95%; or

      (ii) greater than 105%.

(5) The report must—

   (a) explain the reason for the difference; and
   (b) set out any action the Scottish Ministers propose to take as a result of the difference arising (or the reason for no action being proposed).

(6) In preparing the report the Scottish Ministers must—

   (a) invite SEPA and the groups of bodies mentioned in subsection (9) to provide them with such information as the groups of bodies consider relevant; and

   (b) take account of any relevant information provided to them by SEPA or those groups of bodies (whether in response to an invitation under paragraph (a) or otherwise).

(7) Where the financial memorandum provided information in relation to other bodies, individuals or businesses further broken down by body or person, the report may do likewise.
(8) Where the financial memorandum did not provide a cost in relation to any relevant period, the costs to be provided by virtue of subsection (2)(a)(ii) or (b)(ii) must be (or, as the case may be, include) the relevant figure for the most recent relevant period for which the financial memorandum did provide a cost.

(9) The groups of bodies are—
   (a) responsible authorities; and
   (b) other bodies, individuals and businesses.

(10) The Scottish Parliament may (no earlier than whichever is the later of the end of six years after Royal Assent or any period covered in the financial memorandum) by resolution agree that no further reports require to be prepared or laid under subsection (1).

(11) For the purposes of subsection (10) a period is not covered in the financial memorandum if the only cost arising in that period is identified in the memorandum as an ongoing cost.

(12) In this section—
   “relevant period” means—
   (a) the period between Royal Assent and the end of the first full financial year after that date;
   (b) each subsequent financial year;
   “financial memorandum” means the last financial memorandum published to accompany the Bill for this Act (and where that memorandum was a supplementary financial memorandum, means that memorandum as read with any previous financial memorandum).

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**Power to give effect to Community obligations etc.: parliamentary procedure**

**Roseanna Cunningham**

118 In section 83, page 43, line 27, at end insert—

\(<( ) \text{ regulations under section 44(1),}>\)

**Natural features and natural characteristics**

**Rhoda Grant**

131 In section 84, page 44, line 3, at beginning insert <the alteration (including enhancement) or restoration of natural features and characteristics of any river basin or coastal area, including>