



Flood Risk Management (Scotland) Bill

Bill Number:	SP Bill 15
Introduced on:	29 September 2008
Introduced by:	Richard Lochhead MSP (Executive Bill)
Passed:	13 May 2009
Royal Assent:	16 June 2009

Passage of the Bill

The Rural Affairs and Environment Committee conducted a pre-legislative inquiry into flooding and flood management starting in September 2007 and [reporting](#) in May 2008. [The Flood Risk Management \(Scotland\) Bill](#) [SP Bill 15] was introduced in the Parliament on 29 September 2008. The Rural Affairs and Environment Committee was designated as lead committee, and the general principles of the Bill were agreed at Stage 1 on 22 January 2009. The [Bill was passed](#) following the Stage 3 parliamentary [debate](#) on 13 May 2009.

Purpose and objectives of the Bill

The Bill seeks to introduce a framework to reduce the adverse consequences of flooding for human health, the environment, cultural heritage and economic activity. It seeks to transpose the EU Floods Directive, update legislation on flooding and amend legislation related to reservoirs in Scotland.

Prior to the Bill, the Government and the Rural Affairs and Environment Committee agreed that responsibilities for flood risk management in Scotland were unclear and needed to be clarified. One of the aims of the Bill therefore is to establish a clear framework of responsibility, with duties and powers defined so that each organisation involved knows exactly what is required.

Provisions of the Bill

The Bill seeks to place a general duty on Ministers, the Scottish Environment Protection Agency (SEPA) and responsible authorities to exercise their flood risk management function with a view to reducing overall flood risk and to achieve the objectives set out in flood risk management plans.

SEPA, together with responsible authorities, would be required under the Bill to prepare flood risk assessments, flood risk and flood hazard maps, and flood risk management plans. The assessment, maps and plans must be consistent with requirements under the Water Environment and Water Services

(Scotland) Act (asp 3) 2003. SEPA would also be required to assess the possible contribution that the alteration of natural features and characteristics might have to sustainable flood risk management, and to report on this assessment.

Under the 1961 Flood Prevention Act, (which the Bill seeks to repeal) local authority were able to bring forward flood prevention schemes. The Bill seeks to create flood protection schemes instead of flood prevention schemes and seeks to create a more streamlined process for bringing forward such schemes and acquiring necessary permissions.

The Bill also aims to make provisions related to reservoirs. This includes amending The Reservoirs Act 1975 (c.23) so that the SEPA takes over from local authorities as the relevant authority and enforcement authority for reservoirs. The Bill will introduce a new system of reporting incidents that could affect safety and require reservoir undertakers to produce plans.

Parliamentary consideration

Some of the main amendments made to the Bill in its passage through the Scottish Parliament are set out here. First, the term sustainable flood risk management was included in the long title of the Bill in order to send out a message that the Bill was about managing flood risk sustainably. Also related to sustainability, amendments were agreed that would require SEPA to identify measures that it considers would achieve the objectives of flood risk management in the most sustainable way. This would also mean that local flood risk management would be targeted at the most sustainable measures.

Second, amendments creating a stronger link between the implementation of flood risk management and flood risk management plans themselves, were agreed.

Third, a number of amendments relating to surface water management mapping and plans were agreed which required assessment, mapping and planning for surface water flood risk. Surface water management was covered in the scope but not specified on the face of the Bill as introduced.

Fourth, in passing through Parliament, there was considerable debate about the scale at which natural features and characteristics should be assessed and mapped. Amendments were agreed which clarified the scale of mapping of natural characteristics and, in particular, included information on local flood risk management plans. A further amendment was agreed which changed the interpretation of flood protection work by adding the terms “restoration” and “enhancement” of natural features to contribute to flood protection.

Fifth, the Bill as introduced, sought to replace the duty on local authorities to carry out clearance and repair works of watercourses with a general duty to manage flood risk. This more specific duty was reinstated in the Bill’s passage through Parliament.

Finally, a Government amendment was agreed which required local authorities to create a register of flood protection schemes, which would ensure house buyers are alerted to flood protection schemes which may affect their property.