

# **FLOOD RISK MANAGEMENT (SCOTLAND) ACT**

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## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 2 – Principal Expressions**

##### ***Section 3 – “Flood” and “flood risk”***

23. In section 3, the definition of “flood” and “flood solely from a sewerage system” determine what types of floods are covered by the Act. The cumulative effect of these definitions is that all forms of flooding are covered by the Act except where the source of the flood is solely from a sewerage system. A flood solely from a sewerage system is a flood containing sewage which is caused solely by a blockage or a failure in a sewerage system and which is not connected with external hydraulics. Floods that are caused by a sewer being overloaded by higher than usual rainfall are covered by the Act. An example of a flood that is not covered by the Act would be where flooding is caused by a sewer collapsing or becoming blocked, and where that collapse or blockage is not a result of external hydraulics, e.g. higher than usual rainfall or river levels.
24. “Flood” means the temporary covering by water from any source of land not normally covered by water. This reference to land includes buildings because “land” is defined for the purposes of references in Acts of the Scottish Parliament in the Interpretation Order<sup>1</sup> and this definition includes buildings and other structures.
25. This section also defines the term “flood risk”. The definition mirrors the definition in Article 2 of the Directive and states that flood risk is the combination of the probability of flooding and the potential adverse consequences of flooding to human health, the environment, cultural heritage and economic activity.

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<sup>1</sup> The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/ 1379)