



# Flood Risk Management (Scotland) Act 2009

2009 asp 6

## PART 3

### FLOOD RISK ASSESSMENT, MAPS AND PLANS

#### *Assessment of flood risk from sewerage systems*

#### **16 Scottish Water to assess flood risk from sewerage systems**

- (1) Scottish Water must, for each potentially vulnerable area and any other area identified by SEPA, prepare an assessment—
  - (a) identifying where in the area it considers that a flood is likely to originate from a sewerage system,
  - (b) estimating the volume of sewage which is likely to be released in the event of such a flood, and
  - (c) containing such other information as the Scottish Ministers may specify in regulations.
- (2) An assessment under subsection (1) must be prepared by such date as the Scottish Ministers may direct.
- (3) Before identifying an area for the purposes of subsection (1), SEPA must consult—
  - (a) Scottish Water, and
  - (b) any other responsible authority which has functions exercisable in or in relation to the area.
- (4) An assessment prepared under subsection (1) must be in such form as SEPA may determine.
- (5) In determining the form of an assessment under subsection (4), SEPA must seek to ensure that the assessment will integrate with information relating to flood risk held by—
  - (a) itself, and

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**Changes to legislation:** There are currently no known outstanding effects for the Flood Risk Management (Scotland) Act 2009, Cross Heading: Assessment of flood risk from sewerage systems. (See end of Document for details)

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- (b) any responsible authority which has functions exercisable in or in relation to the area for which the assessment is prepared.
- (6) Before determining the form of an assessment in accordance with subsections (4) and (5), SEPA must consult the persons mentioned in subsection (5)(b).
- (7) Scottish Water must, if requested, provide a copy of an assessment to SEPA or a responsible authority.
- (8) Scottish Water must, for each potentially vulnerable area and each area for the time being identified by SEPA—
  - (a) by such date as the Scottish Ministers may direct, review and where appropriate update the assessment prepared under subsection (1) for that area,
  - (b) by the end of the period of 6 years beginning with that date, and of each subsequent period of 6 years (or, in each case, such lesser period as the Scottish Ministers may direct) review and where appropriate update the latest assessment reviewed under this subsection for that area.
- (9) Subsections (4) to (7) apply to the updating of assessments as they apply to their preparation.
- (10) Before making regulations under subsection (1)(c), the Scottish Ministers must consult—
  - (a) SEPA,
  - (b) Scottish Water, and
  - (c) such other responsible authorities as they consider appropriate.

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**Commencement Information**

**II** S. 16 in force at 26.11.2009 by [S.S.I. 2009/393](#), art. 2, [Sch.](#)

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