



Flood Prevention and Land Drainage (Scotland) Act 1997 (repealed)

1997 CHAPTER 36

Flood prevention

2 Duty of local authorities to maintain watercourses.

After section 4A of the 1961 Act there shall be inserted the following section—

“4B Duty of local authorities to maintain watercourses.

- (1) Where it appears to a local authority, whether or not as a result of an assessment carried out under section 4A of this Act—
 - (a) that any watercourse in their area is in a condition which is likely to cause flooding of land, not being agricultural land, within or outwith their area; and
 - (b) that their exercise of any power mentioned in section 2(1)(a) of this Act would substantially reduce the likelihood of such flooding,they shall exercise that power accordingly.
- (2) Where—
 - (a) subsection (1) above would, apart from this subsection, require a local authority to exercise any power mentioned in section 2(1)(a) of this Act in relation to any watercourse, works or apparatus mentioned in that provision; and
 - (b) the watercourse, works or apparatus and the land referred to in subsection (1)(a) above are owned by the same person (not being a local authority),the duty on a local authority under subsection (1) above shall not apply.
- (3) Where it appears to a local authority, whether or not as a result of an assessment carried out under section 4A of this Act, that any watercourse in their area is in a condition which is likely to cause flooding of land, not being agricultural land,

Status: Point in time view as at 28/07/1997. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Flood Prevention and Land Drainage (Scotland) Act 1997 (repealed), Section 2. (See end of Document for details)

outwith their area, they shall notify the local authority for the area in which that land is situated.

- (4) Subsection (3) above shall not apply where it appears to the first mentioned local authority that the second mentioned local authority are aware of the likelihood of the flooding.”.

Status:

Point in time view as at 28/07/1997. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Flood Prevention and Land Drainage (Scotland) Act 1997 (repealed), Section 2.