

Status: Point in time view as at 02/05/2018.

Changes to legislation: Flood and Water Management Act 2010, Paragraph 12 is up to date with all changes known to be in force on or before 25 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SUSTAINABLE DRAINAGE

Non-performance bonds

- 12 (1) A non-performance bond is a bond of a kind and to a value specified in a condition imposed on the grant of an application for approval.
- (2) The effect of the bond must be that the value of the bond is payable to the approving body if it certifies that the drainage system—
- (a) has been constructed in a manner that is not in accordance with the approved proposals, or
 - (b) is unlikely to be completed.
- (3) Before giving a certificate under sub-paragraph (2) the approving body must consult the applicant for approval (“the developer”).
- (4) Where an approving body gives a certificate under sub-paragraph (2)—
- (a) it must notify the developer,
 - (b) the approving body may undertake any work necessary to ensure that the drainage system is completed in such a manner as to make it likely to operate in compliance with national standards for sustainable drainage, and
 - (c) the sums received under the bond may be applied to the expenses of that work, and any excess is to be paid to the developer.
- (5) In requiring a non-performance bond an approving body must specify a value which does not exceed the best estimate of the maximum likely cost of work required to ensure that the drainage system accords with the approved proposals.
- (6) The Minister may issue guidance about what amounts may be required by way of non-performance bonds; and approving bodies must have regard to the guidance.

Commencement Information

II Sch. 3 para. 12 in force at 2.5.2018 for specified purposes for W. by S.I. 2018/557, art. 2(b)

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