



# Flood and Water Management Act 2010

## 2010 CHAPTER 29

### PART 1

#### FLOOD AND COASTAL EROSION RISK MANAGEMENT

##### *2. Strategies, co-operation and funding*

#### **15 Civil sanctions**

- (1) An authority that requests a person (P) to provide information under section 14(1) or (3) may give P an enforcement notice if P fails to comply with the request.
- (2) An enforcement notice must—
  - (a) specify the information requested,
  - (b) state that the authority may impose a penalty if P fails to provide the information within a specified period, which must be at least 28 days beginning with the date of issue of the notice, and
  - (c) state that P may make representations to the authority about the notice within that period.
- (3) The authority may by penalty notice impose a penalty on P if P fails to provide the specified information in the specified period.
- (4) The amount of the penalty—
  - (a) is to be determined by the authority, but
  - (b) must not exceed £1000.
- (5) In deciding whether to impose a penalty and in determining the amount of a penalty the authority must have regard to—
  - (a) any representations under subsection (2)(c), and
  - (b) any partial compliance with the initial request under section 14.
- (6) The penalty notice must—
  - (a) specify the reasons for the decision to impose a penalty,

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*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Section 15. (See end of Document for details)*

- (b) state a period within which payment must be made, which must be at least 14 days beginning with the date of issue of the notice, and
  - (c) notify P of the right of appeal under subsection (8).
- (7) A penalty is recoverable as a debt.
- (8) The Minister must by regulations provide a right of appeal against penalties; and the regulations must—
- (a) confer jurisdiction on the Minister, a court or a tribunal, and
  - (b) make provision about procedure.
- (9) The Minister may by order substitute a different amount for the amount specified in subsection (4)(b) to reflect a change in the value of money.
- (10) In this section “the Minister” means—
- (a) the Secretary of State in relation to penalties issued by—
    - (i) lead local flood authorities for areas in England, and
    - (ii) [<sup>F1</sup>the Natural Resources Body for Wales] in respect of a failure to comply with a request in connection with a flood or coastal erosion risk management function in relation to England, and
  - (b) the Welsh Ministers in relation to penalties issued by—
    - (i) lead local flood authorities for areas in Wales,
    - (ii) the Environment Agency in respect of a failure to comply with a request in connection with a flood or coastal erosion risk management function in relation to Wales, and
    - (iii) the Welsh Ministers.
- (11) A reference in this section to an authority includes a reference to the Welsh Ministers.
- (12) The first sets of regulations under subsection (8) may not be made unless a draft has been laid before and approved by resolution of—
- (a) each House of Parliament, in the case of the first regulations made by the Secretary of State, and
  - (b) the National Assembly for Wales, in the case of the first regulations made by the Welsh Ministers.

#### **Textual Amendments**

**F1** Words in s. 15(10)(b)(ii) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 457](#) (with Sch. 7)

#### **Commencement Information**

**I1** S. 15 in force at 18.1.2011 for specified purposes by [S.I. 2011/95](#), [art. 2\(a\)](#)

**I2** S. 15 in force at 6.4.2011 for W. in so far as not already in force by [S.I. 2011/694](#), [art. 4\(2\)](#)

**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

There are currently no known outstanding effects for the Flood and Water Management Act 2010, Section 15.