



STATUTORY INSTRUMENTS.

**S.I. No. 122 of 2010.**



EUROPEAN COMMUNITIES (ASSESSMENT AND MANAGEMENT OF  
FLOOD RISKS) REGULATIONS 2010.

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EUROPEAN COMMUNITIES (ASSESSMENT AND MANAGEMENT OF  
FLOOD RISKS) REGULATIONS 2010.

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S.I. No. 122 of 2010.

EUROPEAN COMMUNITIES (ASSESSMENT AND MANAGEMENT OF  
FLOOD RISKS) REGULATIONS 2010.

The Minister for Finance, in exercise of the powers conferred on him by the European Communities Acts, 1972 to 2007, for the purpose of giving further effect to Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 establishing a framework for Community action in the field of assessment and management of flood risks hereby makes the following Regulations:

PART 1

PRELIMINARY

*Citation.*

1. (1) These Regulations may be cited as the European Communities (Assessment and Management of Flood Risks) Regulations 2010.

*Interpretation.*

2. (1) Any reference to a Section or Schedule is a reference to a Section or Schedule of these Regulations and any reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs.

(2) Any reference to an Article or Annex, unless otherwise indicated, is a reference to an Article or Annex of Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks.

(3) Any word or expression which is used in these Regulations and is also used in the Directive has the same meaning as in the Directive except where these Regulations provide otherwise.

(4) In these Regulations, save where the context otherwise requires—

“the Act of 1945” means the Arterial Drainage Act, 1945 (No. 3 of 1945),

“authorised person” means such person or persons or bodies as the Commissioners may authorise for the purposes of these Regulations,

“catchment area” means the land area from which rainfall will drain overland or (with some exceptions for groundwater flow, which may be inter-catchment) through sub-surface drainage, into a river, lake, reservoir or sea.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 26th March, 2010.*

“the Commissioners” means the Commissioners of Public Works in Ireland,

“the Competent Authority” in relation to a river basin district (subject to Section 4.1), has the meaning assigned by Article 3 of the Water Framework Directive, for the purposes of that directive,

“county council” includes a city council,

“the Directive” means Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks,

“embankment” means an artificial watercourse, drain, embankment, or other work constructed for the purposes of these Regulations and includes all sluices, sluice-gates, pumps, weirs, watercourses, and other works forming part of or essential to the effective operation of any such embankment or work,

“existing drainage district” means a drainage district constituted under any of the Acts specified in the Third Schedule to these Regulations and wholly situate within the State,

“existing drainage works” means the drainage works in an existing drainage district,

“existing embankment” means an embankment constructed (whether before or after the passing of these Regulations) for the protection from flooding of land purchased under the Land Purchase Acts or the subject of proceedings under those Acts, whether such embankment was constructed before or after such purchase or the institution of proceedings therefore and whether such embankment was constructed by a former landlord or other person or by trustees or by or under the supervision of the Irish Land Commission,

“the European Commission” means the Commission of the European Communities,

“flood” means the temporary covering by water of land not normally covered by water. This shall include floods from rivers, mountain torrents, Mediterranean ephemeral water courses, and floods from the sea in coastal areas, and may exclude floods from sewerage systems,

“flood risk” means the combination of the probability of a flood event and of the potential adverse consequences for human health, the environment, cultural heritage and economic activity associated with a flood event,

“flood risk management works” includes both structural and non-structural works and measures included in a flood risk management scheme,

“international river basin” means a river basin lying partly in the State and partly in Northern Ireland,

“international river basin district” means the combined river basin district areas in the State and in Northern Ireland in relation to an international river basin,

“land” includes water (whether inland or coastal) and, in relation to the acquisition of land, includes any interest or right in or over land or water,

“local authority” means a city council, a county council, a borough council or a town council,

“the Minister” means the Minister for Finance,

“Minister of State” means any Minister who is a member of the Government,

“offence” means an offence as described by Section 52(1),

“organisation” means any body listed in Part 3 of the First Schedule,

“private bridge” does not include a reference to any kesh, footstick or other similar structure,

“public authority” means any body listed in Part 1 of the First Schedule,

“public body” means any body listed in Part 2 of the First Schedule,

“the Reference Committee” means the Reference Committee constituted by paragraph (c) of subsection (5) of Section 1 of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925),

“reserved function” means:

- (a) in the case of the corporation of a county borough, a reserved function for the purposes of the enactments relating to the management of that county borough, and
- (b) in any other case, a reserved function for the purposes of the County Management Acts, 1940 and 1942,

“river” means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course,

“river basin” means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta,

“river basin district” means the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters, which is identified under Article 3(1) of the Water Framework Directive as the main unit for management of river basins and in relation to an international river basin district, means that part of the international river basin district which lies within the State,

“sub-basin” means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in a water course (normally a lake or a river confluence),

“unit of management” means such area of land as may be designated by the Commissioners from time to time including but not limited to rivers, river basin, river basin districts and watercourses and coastal areas,

“the Water Framework Directive” means Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy,

“watercourse” includes rivers, streams, and other natural watercourses, and also canals, drains, and other artificial watercourses.

*Expenses.*

3. (1) The expenses incurred by the Minister or the Commissioners in the administration of these Regulations shall (to such extent as may be sanctioned by the Minister and so far as they are not otherwise provided for by these Regulations) be paid out of money provided by the Oireachtas.

PART 2

GENERAL

*Administrative arrangements, role of the Commissioners and power of entry.*

4. (1) For the purposes of the Directive and these Regulations:

- (a) the Commissioners of Public Works in Ireland are appointed as the Competent Authority under the Directive and these Regulations for all river basin districts or other units of management, and
- (b) the Commissioners may exercise any of the powers and perform any of the functions conferred and imposed on the Commissioners by these Regulations through or by any of its officers or servants or an authorised person.

(2) For the purposes of the Directive and these Regulations use shall be made of the arrangements made under Article 3(1), (2), (3), (5) and (6) of the Water Framework Directive except as set out in subsection (1), and:

- (a) the Commissioners shall have power to identify certain coastal areas or individual river basins and assign them to a unit of management different from those assigned pursuant to Article 3(1) of the Water Framework Directive. In cases where the Commissioners exercise this power, the Commissioners shall, by 26 May 2010, communicate to the European Commission the information referred to in the Second Schedule.

(3) The Commissioners shall inform the European Commission of any changes in the information provided pursuant to this Section within three months of the change coming into effect.

(4) The Commissioners shall promote the co-ordinated implementation of the Directive across river basin districts or other units of management and, together with the Competent Authorities in Northern Ireland, in relation to international river basin districts.

(5) The Commissioners may, following consultation with such (if any) bodies or other persons as the Commissioners consider appropriate, issue guidance and general policy advice in relation to the implementation of these Regulations and, subject to subsection (6), the relevant public authorities shall have regard to any such guidance and advice.

(6) Subsection (5) shall not be construed as enabling the Commissioners to exercise any power or control in relation to the performance in particular circumstances by a public authority of its statutory functions.

(7) It shall be lawful for the Commissioners and or an authorised person to enter on any lands and there do all such things as may appear to them to be necessary or expedient for, or ancillary to, the purposes of assessment and management of flood risks and giving effect to these Regulations and the Directive, including but not limited to, the preparation, review or alteration of a preliminary flood risk assessment, flood hazard map, flood risk map, flood risk management plan, schemes of flood risk management works or executing or maintaining works as part of a flood risk management scheme and the making of any such surveys including but not limited to hydrometric, engineering, topographic, environmental and valuation surveys of any land and gathering of information in relation thereto as are mentioned in this section.

(8) Where an authorised person is refused entry to any land, the authorised person or the Commissioners, as the case may be, may apply to a judge of the District Court assigned to the district Court District in which the land is situated for a warrant authorising such entry, and upon the hearing of the application the judge shall, if satisfied that such entry is necessary or expedient, by warrant authorise such entry, on production of the warrant, if so requested.

(9) The Commissioners shall have power to establish committees and groups for the furtherance of the aims of the Directive, composed of such persons or bodies and operating in such manner as the Commissioners shall direct.

*General duty of public authorities, public bodies and organisations.*

5. (1) It shall be the duty of every public authority to:

- (a) exercise its functions in a manner which is consistent with the provisions of the Directive and these Regulations, and which achieves or promotes compliance with the requirements of the Directive and these Regulations,

- (b) take such actions as may be appropriate in the context of its functions to secure compliance with the Directive and with the provisions of any flood risk management plan, any objective established, and any programme of measures established, in accordance with these Regulations,
- (c) consult, co-operate and liaise with other public authorities and the Commissioners in such a manner and to such extent as is necessary to ensure co-ordination of the delivery of the requirements of the Directive,
- (d) provide within a period of one month or such extended period as may be approved by the Commissioners, such information appropriate to its functions as may be reasonably required by any other public authority or the Commissioners for the purpose of compliance with the Directive and, insofar as is practicable, provide such information, where so requested, in a form disaggregated by reference to river basin districts, river basins, sub-basins or such other areas as may be specified, and where requested by the Commissioners, provide the information in such format as may be specified by the Commissioners, and
- (e) encourage the active involvement of all interested parties in relation to the measures being taken by the public authority for implementation of the Directive.

(2) Without prejudice to the generality of subsection (1), the Commissioners may designate a public body specified in Part 2 of the First Schedule as the body responsible either individually or in combination with other public authorities, with respect to the infrastructure, and the associated risk of flooding that could arise from such infrastructure, for which they have existing responsibility, to undertake preliminary flood risk assessments in accordance with Section 7.

(3) Where, based on the preliminary flood risk assessment referred to in subsection (2) an area of potential significant flood risk, referred to in Section 10, is identified the public body designated pursuant to Subsection (2) shall have responsibility for:

- (a) preparing flood hazard maps and flood risk maps, in accordance with these Regulations, and
- (b) preparing flood risk management plans in accordance with these Regulations, and
- (c) providing reports and information to the Commissioners, in such format as specified by the Commissioners, and at such times as required by the Commissioners to enable them to adhere to timescales set out in these Regulations.

(4) The Commissioners may require a body listed in Part 3 of the First Schedule to supply within a period of not less than one month and not more

than three months, as determined by the Commissioners, reports and information relating to flooding and assessment and management of flood risks to the Commissioners subject to the Commissioners guaranteeing to protect, subject to law, contractual obligations and restrictions, the confidentiality of any commercially sensitive information provided.

*Co-ordination with the Water Framework Directive.*

6. (1) The Commissioners and the Competent Authorities under the Water Framework Directive shall take appropriate steps to co-ordinate the application of the Directive and that of the Water Framework Directive focusing on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits having regard to the environmental objectives laid down in Article 4 of the Water Framework Directive. In particular:

- (a) the development of the first flood hazard maps and flood risk maps and their subsequent reviews as referred to in Section 11 shall be carried out in such a way that the information they contain is consistent with relevant information presented according to the Water Framework Directive. They shall be co-ordinated with, and may be integrated into, the reviews provided for in Article 5(2) of the Water Framework Directive, and
- (b) the development of the first flood risk management plans and their subsequent reviews as referred to in Section 15 shall be carried out in co-ordination with, and may be integrated into, the reviews of the river basin management plans provided for in Article 13(7) of the Water Framework Directive, and
- (c) the active involvement of all interested parties under Sections 17(1) and (2) shall be co-ordinated, as appropriate, with the active involvement of interested parties under Article 14 of the Water Framework Directive.

### PART 3

#### ASSESSMENT AND MANAGEMENT

*Preliminary flood risk assessment.*

7. (1) The Commissioners shall, for each river basin district, or unit of management referred to in Section 4(2)(a), or the portion of an international river basin district lying within the territory of the State, undertake or cause to be undertaken, a preliminary flood risk assessment in accordance with paragraph 2 of this section.

(2) Based on available or readily derivable information, such as records and studies on long term developments, in particular impacts of climate change on the occurrence of floods, a preliminary flood risk assessment referred to in subsection (1) shall be undertaken to provide an assessment of potential risks. The assessment shall include at least the following:

- (a) maps of the river basin district at the appropriate scale including the borders of the river basins, sub-basins and, where existing, coastal areas, showing topography and land use, and
  - (b) a description of the floods which have occurred in the past and which had significant adverse impacts on human health, the environment, cultural heritage and economic activity and for which the likelihood of similar future events is still relevant, including their flood extent and conveyance routes and an assessment of the adverse impacts they have entailed, and
  - (c) a description of the significant floods which have occurred in the past, where significant adverse consequences of similar future events might be envisaged, and
  - (d) depending on the specific needs of the State, it shall include an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage and economic activity, taking into account as far as possible issues such as the topography, the position of watercourses and their general hydrological and geomorphological characteristics, including floodplains as natural retention areas, the effectiveness of existing man-made flood defence infrastructures, the position of populated areas, areas of economic activity and long-term developments including impacts of climate change on the occurrence of floods.
- (3) In the case of international river basin districts, or units of management referred to in Section 4(2)(a), which are shared with Northern Ireland, the Commissioners shall act to ensure that exchange of relevant information takes place between the Competent Authorities concerned.
- (4) The Commissioners shall complete the preliminary flood risk assessments by 22 December 2011.
- (5) The Commissioners may decide not to undertake the preliminary flood risk assessment for those river basins, or other units of management where either:
- (a) a risk assessment has already been undertaken to conclude, before 22 December 2010, that a potential significant flood risk exists or might be considered likely to occur leading to the identification of the area among those referred to in Section 10(1), or
  - (b) they have decided, before 22 December 2010, to prepare flood hazard maps and flood risk maps and to establish flood risk management plans in accordance with the relevant provisions of the Directive.
- (6) Subsection (5) shall apply without prejudice to subsection (7).

(7) The preliminary flood risk assessment, or the assessment and decisions referred to in subsection (5), shall be reviewed, and if necessary updated by the Commissioners, by 22 December 2018 and every six years thereafter.

(8) The likely impact of climate change on the occurrence of floods shall be taken into account by the Commissioners in the reviews referred to in subsection (7).

*Sending of copies of preliminary flood risk assessments, to county councils.*

8. (1) When the Commissioners have prepared a preliminary flood risk assessment, they shall:

- (a) send or make available digitally a copy of such assessment, to the county council, and if the Commissioners consider it appropriate to other local authorities, in which the area or any part of the area covered by the preliminary flood risk assessment, is situate, and
- (b) publish in the *Iris Oifigiúil* and such one or more newspapers circulating in the said area as they shall consider appropriate a notice stating that such assessment has been prepared by them and also stating how the said assessment may be viewed and the period, not being less than one month, during which a copy of such preliminary flood risk assessment, will be available for inspection pursuant to the next following subsection of this section, and the date by which observations in regard to the said preliminary flood risk assessment may be sent to the Commissioners.

(2) Every county council and if the Commissioners consider it appropriate, a local authority, to which a copy of a preliminary flood risk assessment, is sent by the Commissioners pursuant to this section:

- (a) shall cause such copy to be exhibited in their principal offices or other convenient place and, if the Commissioners consider it appropriate, through digital media, during the period specified in that behalf in the notice relating to such assessment published pursuant to subsection (1) of this section and shall permit such copy to be inspected during office hours by any person claiming to be interested therein, and
- (b) shall examine and consider the preliminary flood risk assessment of which such copy is a copy, and
- (c) may, at any time within two months after the date of the publications in the *Iris Oifigiúil* pursuant to subsection (1) of this section of the notice relating to such assessment, send to the Commissioners all such observations in regard to such assessment, as such county council or local authority shall think proper.

(3) The duties imposed on the county council or on the local authority by subsection (2) shall each be a reserved function.

*Consideration of observations on preliminary flood risk assessments.*

9. (1) When all the times limited by the provisions of Section 8 of these Regulations for the sending to the Commissioners of observations by county councils or other persons in regard to a preliminary flood risk assessment, the Commissioners shall do the following:

- (a) consider every such observation sent to them within the time appropriate thereto, and
- (b) after consultation with such (if any) Minister of State as they shall think proper, make such, if any, alterations (whether by addition, omission, or variation) in the preliminary flood risk assessment, as they shall think proper.

*Areas of potential significant flood risks.*

10. (1) On the basis of a preliminary flood risk assessment as referred to in Section 7 the Commissioners shall, for each river basin district, or unit of management referred to in Section 4(2)(a), or portion of an international river basin district lying within the territory of the State, identify those areas for which they conclude that potential significant flood risks exist or might be considered likely to occur.

(2) The identification under subsection (1) of areas belonging to an international river basin district, or to a unit of management referred to in Section 4(2)(a) shared with Northern Ireland, shall be co-ordinated by the Commissioners with the appropriate authorities in Northern Ireland.

*Flood hazard maps and flood risk maps.*

11. (1) The Commissioners shall at the level of the river basin district, or unit of management referred to in Section 4(2)(a) subject to the provisions of Sections 12, 13 and 14 prepare flood hazard maps and flood risk maps, at the most appropriate scale for the areas identified under Section 10(1).

(2) For areas identified under Section 10 which are shared with Northern Ireland, the Commissioners shall take steps to ensure exchange of information between the Commissioners and the appropriate authorities in Northern Ireland prior to the preparation of flood hazard maps and flood risk maps.

(3) The flood hazard maps shall cover the geographical areas, which could be flooded according to the following scenarios:

- (a) floods with a low probability, or extreme event scenarios,
- (b) floods with a medium probability (likely return period  $\geq$  100 years),
- (c) floods with a high probability, where appropriate.

(4) For each scenario referred to in subsection (3) the following elements shall be shown:

- (a) the flood extent, and

- (b) water depths or water level, as appropriate, and
- (c) where appropriate, the flow velocity or the relevant water flow.

(5) Flood risk maps shall show the potential adverse consequences associated with flood scenarios referred to in subsection (3) and expressed in terms of the following:

- (a) the indicative number of inhabitants potentially affected,
- (b) type of economic activity of the area potentially affected,
- (c) installations as referred to in Annex I to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control which might cause accidental pollution in case of flooding and potentially affected protected areas identified in Annex IV(1)(i), (iii) and (v) to the Water Framework Directive, and
- (d) other information which the Commissioners consider useful such as the indication of areas where floods with a high content of transported sediments and debris floods can occur and information on other significant sources of pollution.

(6) The Commissioners may decide that, for coastal areas where an adequate level of protection is in place, the preparation of flood hazard maps shall be limited to the scenario referred to in subsection (3)(a) of this section.

(7) The Commissioners may decide that, for areas where flooding is from groundwater sources, the preparation of flood hazard maps shall be limited to the scenario referred to in subsection (3)(a) of this section.

(8) The Commissioners shall ensure that the flood hazard maps and flood risk maps are completed by 22 December 2013.

(9) The Commissioners may decide to make use of flood hazard maps and flood risk maps finalised before 22 December 2010, if such maps provide a level of information equivalent to the requirements of this section.

(10) Subsection (9) shall apply without prejudice to subsection (11).

(11) The flood hazard maps and the flood risk maps shall be reviewed, and if necessary updated by the Commissioners, by 22 December 2019 and every six years thereafter.

*Sending of copies of flood hazard maps and flood risk maps to county councils.*

12. (1) When the Commissioners have prepared a flood hazard map and/or flood risk map they shall:

- (a) send, or make available digitally, a copy of such map or maps to the county council, and if the Commissioners consider it appropriate to other local authorities, in which the area or any part of the area

covered by the said flood hazard map and/or flood risk map is situate, and

- (b) publish in the *Iris Oifigiúil* and such one or more newspapers circulating in the said area as they shall consider appropriate a notice stating that such flood hazard map and/or flood risk map has been prepared by them and also stating the place or places at which and the period, not being less than one month, during which a copy or copies of such flood hazard map and/or flood risk map will be available for inspection pursuant to the next following subsection of this section, and the date by which observations in regard to the said flood hazard map and/or flood risk map may be sent to the Commissioners, and
- (c) if they consider it appropriate, arrange, in collaboration with the county councils and other local authorities, for other forms of public consultation and information dissemination.

(2) Every county council and if the Commissioners consider it appropriate, other local authority, to which a copy of a flood hazard map and/or flood risk map is sent by the Commissioners pursuant to this section:

- (a) shall cause such copy or copies to be exhibited in their principal offices or other convenient place during the period specified in that behalf in the notice relating to such map or maps published pursuant to subsection (1) of this section and shall permit such copy or copies to be inspected during office hours by any person claiming to be interested therein, and
- (b) shall examine and consider the said maps of which such copy is a copy, and
- (c) may, at any time within two months after the date of the publications in the *Iris Oifigiúil* pursuant to subsection (1) of this section of the notice relating to such map or maps send to the Commissioners all such observations in regard to such map or maps as such county council shall think proper.

(3) The duty imposed on the county council by paragraph (b) of subsection (2) of this section and the power conferred on the local authority by paragraph (c) of the said subsection (2) shall each be a reserved function.

*Objections to flood hazard maps.*

13. (1) Any person, including a body corporate, who is the owner, occupier or user of the land shown on flood hazard maps as falling within the scenarios set out in Section 11(3)(a), (b) or (c) may, within one month of the appearance of the notice in *Iris Oifigiúil* lodge an objection, to the inclusion of such land or portion of lands in any of these categories, stating the reasons why they consider it unreasonable to conclude that the land in question could be flooded according to the relevant scenarios at 11(3)(a), (b) and (c).

(2) The Commissioners shall consider all such objections and decide to amend or confirm the inclusion of the land in question in the flood hazard map, giving reasons for such decision.

(3) The owner, occupier or user of the land, may, not later than 30 days after the day on which the decision referred to in subsection (2) is given, serve notice of appeal on the Commissioners against that decision.

(4) Where in circumstances to which subsection (3) relates, the appeal shall be referred to an arbitrator who shall be appointed by the President for the time being of the Law Society of Ireland on the application of the Commissioners.

(5) An arbitrator appointed under subsection (4) of this section shall be paid such remuneration (if any) incurred by him or her as the Commissioners, with the consent of the Minister, may determine.

*Consideration of observations on flood hazard maps and flood risk maps.*

14. (1) When all the times limited by the provisions of Section 12 and 13 of these Regulations for the sending to the Commissioners of observations by county councils or other persons in regard to a flood hazard map or a flood risk map the Commissioners shall do the following:

- (a) consider every such observation sent to them within the time appropriate thereto, and
- (b) after consultation with such (if any) Minister of State as they shall think proper, make such, if any, alterations (whether by addition, mission, or variation) in the said flood hazard map or flood risk map as they shall think proper.

*Flood risk management plans.*

15. (1) On the basis of the maps referred to in Section 11, the Commissioners shall establish flood risk management plans co-ordinated at the level of the river basin district, or unit of management referred to in Section 4(2)(a), for the areas identified under Section 10(1) in accordance with subsections (2) and (3) of this section.

(2) The Commissioners shall establish appropriate objectives for the management of flood risks for the areas identified under Section 10(1) focusing on the reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity, and, if considered appropriate, on nonstructural initiatives and/or on the reduction of the likelihood of flooding.

(3) The flood risk management plans established by the Commissioners shall include measures for achieving the objectives established in accordance with subsection (2) of this section and shall include the components set out in the Fourth Schedule. Flood risk management plans shall take into account relevant aspects such as costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, such as natural floodplains, the environmental objectives of Article 4 of the Water Framework Directive,

soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure. Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or other unit of management. Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.

(4) Every mention or reference contained in these Regulations of or to a flood risk management plan shall be construed as including every map, drawing, plan, section, and schedule annexed to such flood risk management plan.

(5) In the interests of solidarity, flood risk management plans established by the Commissioners shall not include measures which, by their extent and impact, significantly increase flood risks upstream or downstream in Northern Ireland in the same river basin or sub-basin, unless these measures have been co-ordinated and an agreed solution has been found with the appropriate authority in Northern Ireland in the framework of Section 16.

(6) The Commissioners shall ensure that flood risk management plans are completed and published by 22 December 2015.

(7) The Commissioners may decide to make use of flood risk management plans finalised before 22 December 2010, provided the content of these plans is equivalent to the requirements set out in this section.

(8) Subsection (7) shall apply without prejudice to subsections (9) and (10).

(9) The flood risk management plan(s) shall be reviewed, and if necessary updated, including the components set out in the Fifth Schedule, by 22 December 2021 and every six years thereafter.

(10) The likely impact of climate change on the occurrence of floods shall be taken into account by the Commissioners in the reviews referred to in subsection (9).

*Co-ordination with other Member States regarding flood risk management plans.*

16. (1) For river basin districts, or units of management referred to in Section 4(2)(a), which fall entirely within the territory of the State, the Commissioners shall ensure that one single flood risk management plan, or a set of flood risk management plans co-ordinated at the level of the river basin district, is produced.

(2) In the case of an international river basin district, or unit of management referred to in Section 4(2)(a), the Commissioners shall take action to ensure co-ordination with the appropriate authorities in Northern Ireland with the aim of producing one single international flood risk management plan, or a set of flood risk management plans co-ordinated at the level of the international river basin district. Where such plans are not produced, the Commissioners shall produce flood risk management plans covering at least the parts of the international river

basin district falling within the territory of the State, as far as possible co-ordinated at the level of the international river basin district.

(3) The flood risk management plans referred to in subsection (2) shall be supplemented, where considered appropriate by the Commissioners and the appropriate authorities in Northern Ireland, by more detailed flood risk management plans co-ordinated at the level of the international sub-basins.

(4) Where the Commissioners identify an issue which has an impact on the management of flood risks of the water of the State and that issue cannot be resolved by the Commissioners, it may report the issue to the European Commission and any other Member State concerned and may make recommendations as to how the issue should be resolved.

*Public information and involvement.*

17. (1) In accordance with applicable Community legislation, the Commissioners shall make available to the public the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the flood risk management plans.

(2) The Commissioners shall encourage active involvement of interested parties in the production, review and updating of the flood risk management plans referred to in Sections 15 and 16.

(3) The Commissioners shall, as far as is practicable, provide for display on a website, for each river basin district or other unit of management referred to in Section 4(2)(a), of the documents and maps required by these Regulations to be produced by the Commissioners.

*Sending of copies of flood risk management plans to county councils.*

18. (1) When the Commissioners have prepared a flood risk management plan they shall:

(a) send, or make available digitally, a copy of such plan to the county council, and if the Commissioners consider it appropriate to other local authorities, in which the area or any part of the area covered by the flood risk management plans is situate, and

(b) publish in the *Iris Oifigiúil* and such one or more newspapers circulating in the said area as they shall consider appropriate a notice stating that such flood risk management plan has been prepared by them and also stating the place or places at which and the period, not being less than one month, during which a copy of such flood risk management plans will be available for inspection pursuant to the next following subsection of this section, and the date by which observations in regard to the said flood risk management plan may be sent to the Commissioners.

(2) Every county council and if the Commissioners consider it appropriate, other local authority, to which a copy of a flood risk management plan is sent by the Commissioners pursuant to this section:

- (a) shall cause such copy to be exhibited in their principal offices or other convenient place during the period specified in that behalf in the notice relating to such plan published pursuant to subsection (1) of this section and shall permit such copy to be inspected during office hours by any person claiming to be interested therein, and
- (b) shall examine and consider the flood risk management plan of which such copy is a copy, and
- (c) may, at any time within six months after the date of the publications in the *Iris Oifigiúil* pursuant to subsection (1) of this section of the notice relating to such plan, send to the Commissioners all such observations in regard to such plan as such county council shall think proper.

(3) The duties imposed on the county council or on the local authority by subsection (2) of this section shall each be a reserved function.

*Approval of flood risk management plans by the Minister.*

19. (1) When all the times limited by the provisions of Section 18 of these Regulations for the sending to the Commissioners of observations by county councils in regard to a flood risk management plan and for the sending to the Commissioners of observations by persons have expired, the Commissioners shall do the following:

- (a) consider every such observation sent to them within the time appropriate thereto, and
- (b) after consultation with such (if any) Minister of State as they shall think proper, make such, if any, alterations (whether by addition, omission, or variation) in the flood risk management plan as they shall think proper, and
- (c) submit the flood risk management plan as so altered (if at all) to the Minister.

(2) When a flood risk management plan has been submitted to the Minister pursuant to this section, the Minister shall:

- (a) make an order approving such plan, or
- (b) refuse to approve such plan, or
- (c) refer such plan back to the Commissioners for revision in specified respects and subsequent re-submission to the Minister under this section.

*Sending of flood risk management plans approved by the Minister to county councils.*

20. (1) When the Minister confirms a flood risk management plan the Commissioners shall send a copy of such plan to the county council and, if the

Commissioners consider it appropriate, to other local authorities, in which the area or any part of the area covered by the flood risk management plans is situate, and the county council or local authority shall within three months examine and consider the flood risk management plan of which such copy is a copy, and decide whether to adopt or otherwise the said plan as such county council or other local authority shall think proper.

(2) The duty imposed on, and the power conferred on the county council or other local authority, by subsection (1) of this section shall each be a reserved function.

(3) The county council or other local authority shall advise the Minister for the Environment, Heritage and Local Government and the Commissioners of their decision on the issue of whether to adopt or otherwise the said plan, at the latest within one month of the expiry of the three-month period specified at subsection (1) of this section.

*Implementing measures and amendments.*

21. (1) Where the European Commission, in accordance with the regulatory procedure referred to in Article 12(2) of the Directive and in line with Article 11(1) of the Directive, adopt technical formats for the purpose of processing and transmission of data, including statistical and cartographic data, to the Commission, the Commissioners shall adhere to these formats.

(2) Where the European Commission, taking into account the periods for review and updating, adapt the Annex of the Directive to scientific and technical progress the Commissioners shall adhere to requirements of the Annex as revised.

*Making of data available to the European Commission.*

22. (1) The Commissioners shall make available the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Sections 7, 11 and 15, as well as their review and, where applicable, their updates to the European Commission within three months after the dates indicated respectively in Sections 7(4), 7(7), 11(8), 11(11), 15(6) and 15(9).

(2) The Commissioners shall inform the European Commission of the decisions taken in accordance with Sections 7(5), 11(9) and 15(7) and make available the relevant information thereon by the dates indicated respectively in Sections 7(4), 11(8) and 15(6).

*Advising the European Commission of legal changes.*

23. (1) Upon the coming into force of these Regulations, the Commissioners shall forthwith inform the European Commission thereof.

(2) The Commissioners shall communicate to the European Commission the text of the main provisions of any law or regulation adopted in the field covered by the Directive.

## PART 4

## OPERATIONAL MATTERS

*General responsibility of the Commissioners for flood risk management.*

24. (1) The Commissioners shall be responsible for promoting the establishment of a framework for the assessment and management of flood risks aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods and to that purpose shall have responsibility for advancing the achievement of the objectives of flood risk management plans and implementing other necessary flood management initiatives through schemes of flood risk management works and measures.

(2) Notwithstanding anything in the Arterial Drainage Acts 1945 to 1995 or in any other Act or Regulation, the Commissioners shall not be required to do anything that is contrary to or inconsistent with the aims, provisions or requirements of the Directive.

*Preparation of schemes of flood risk management works and measures.*

25. (1) In the circumstances—

- (a) when the Minister has made an order approving a flood risk management plan, or
- (b) whenever the Commissioners are of opinion that the execution of flood risk management works is expedient in respect of any river basin district or other unit of management,

it shall be lawful for the Commissioners to prepare a scheme (in these Regulations referred to as a flood risk management scheme) for the execution of such structural and non-structural works or measures provided for in a flood risk management plan and for that purpose to make such hydrometric, engineering, environmental, topographical, valuation and other surveys of a catchment area, other unit of management or river basin district as shall appear to them to be necessary or expedient.

(2) The Commissioners shall, in deciding the nature and extent of the flood risk management works to be included in a flood risk management scheme that is being prepared by them under subsection (1)(b), have regard to the effects that any such works would, if executed pursuant to the scheme, have throughout a river basin district of which another unit of management or a catchment area is a part.

(3) Every flood risk management scheme prepared by the Commissioners pursuant to this section shall show, either in the body of the scheme or by means of appropriate maps, drawings, plans, sections, and schedules annexed thereto, the following:

- (a) the waters and watercourses proposed to be dealt with, and

- (b) the lands, which will be affected by the carrying out of the scheme, and
- (c) the flood risk management works proposed to be executed pursuant to the scheme, and
- (d) the lands proposed to be compulsorily acquired or substantially interfered with, the easements, fisheries, water-rights, navigation-rights, and other rights proposed to be compulsorily acquired, restricted, terminated, or otherwise interfered with, and the roads and bridges (whether public or private) proposed to be diverted, removed or otherwise interfered with, the reputed proprietors, owners, and rated or other occupiers of the several lands proposed to be compulsorily acquired or substantially interfered with and of the several easements, fisheries, water-rights, navigation rights, and other rights, and private roads proposed to be compulsory acquired, restricted, terminated or otherwise interfered with.

(4) Every flood risk management scheme which would involve the execution of flood risk management works of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, shall contain, as a schedule annexed thereto, in addition to the matters set out in subsection (3) of this section, a statement of the likely effects on the environment (hereinafter in these Regulations referred to as an “environmental impact assessment”) of the proposed works.

(5) The Commissioners shall, before preparing a flood risk management scheme which would involve the execution of flood risk management works which would be of a class referred to in subsection (4) of this section but not exceeding a quantity, area or other limit for the time being specified in relation to that class, consult the Minister.

(6) Where the Minister is consulted pursuant to subsection (5) and he considers that the proposed flood risk management works would be likely to have significant effects on the environment, he shall direct that the flood risk management scheme shall contain, as a schedule annexed thereto, in addition to the matters set out in subsection (2) of this section, an environmental impact assessment.

(7) The Minister shall, where he is deciding pursuant to this subsection whether proposed flood risk management works would or would not be likely to have significant effects on the environment, have regard to the criteria specified for the purposes of Article 27 of the European Communities (Environmental Impact Assessment) Regulations, 1989.

(8) For the purposes of these Regulations:

- (a) an environmental impact assessment contained in a flood risk management scheme in accordance with subsections (4),(5) and (6) of this section shall contain the information for the time being specified under Article 25 of the European Communities

(Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

- (b) if the Commissioners before submitting a flood risk management scheme which is required in accordance with this subsection to contain an environmental impact assessment, so request, the Minister shall, after consulting with the Commissioners and such bodies as may be prescribed by the Minister by regulations for that purpose, give a written opinion on the information to be contained in such statement.
  - (c) the giving of a written opinion in accordance with paragraph (b) of this subsection shall not prejudice the exercise by the Minister of his powers pursuant to these Regulations to require the Commissioners to furnish further information in relation to the effects on the environment of the proposed flood risk management works.
- (9) For the purposes of this section:
- (a) the Minister may, subject to paragraph (d) of this subsection, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, Heritage and Local Government, exempt a flood risk management scheme or a proposed flood risk management scheme from the requirement of subsection (4) of this section.
  - (b) the Minister in granting an exemption under paragraph (a) of this subsection shall, consider whether:
    - (i) the effects, if any, of the proposed flood risk management scheme on the environment should be assessed in some other manner, and
    - (ii) the information collected in the course of such assessment should be made available to members of the public, and
    - (iii) he may, by order, apply such requirements regarding these matters in relation to the proposed flood risk management scheme as he considers necessary or appropriate. Such requirements shall include provisions to make available to the public the information obtained under any other form of assessment ordered by him.
  - (c) notice of any exemption granted under paragraph (a) of this subsection, of the reasons for granting such exemption and of any requirements applied under paragraph (b) of this subsection shall, as soon as may be:
    - (i) be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area to be included in the proposed flood risk management scheme, and

(ii) be given, together with a copy of the information, if any, made available to members of the public in accordance with the said paragraph (b), to the Commission of the European Communities.

(d) an exemption shall not be granted under paragraph (a) of this subsection in respect of a flood risk management scheme or a proposed flood risk management scheme if another Member State of the European Communities, having been informed pursuant to Section 29(4) of these Regulations about the proposed flood risk management works and their likely effects on the environment in that State, has indicated that it intends to furnish views on the said effects.

(10) Where a flood risk management scheme prepared in accordance with this section contains an environmental impact assessment, a copy of such environmental impact assessment shall be sent to each Department of State.

(11) It shall be lawful for the Commissioners and or an authorised person to enter on any lands and there do all such things as may appear to them to be necessary or expedient for the purposes of the preparation of a flood risk management scheme and the making of any such surveys in relation thereto as are mentioned in subsection (1) of this section.

(12) Every mention or reference contained in these Regulations of or to a flood risk management scheme shall be construed as including every map, drawing, plan, section, and schedule annexed to such flood risk management scheme.

*Powers of the Commissioners regarding planning permission.*

26. (1) For the purposes of public exhibition and approval of flood risk management schemes the provisions of Sections 27, 28, 29 and 30 of these Regulations shall apply except where the works or measures proposed in a flood risk management scheme are of a class of development envisaged by either—

(a) the Strategic Infrastructure Act, 2006, or

(b) Part 8 of the Planning & Development Regulations 2001,

the Commissioners may, as they consider appropriate, decide to use the procedures applying under (a) or (b).

*Sending of copies of schemes to county councils.*

27. (1) When the Commissioners have prepared a flood risk management scheme they shall:

(a) send a copy of such scheme to the county council in which the area or any part of the area covered by the preliminary flood risk assessment, flood hazard map, flood risk map or flood risk management plans is situate and publish in the *Iris Oifigiúil* and such one or more newspapers circulating in the said area as they shall consider appropriate a notice stating that such scheme has been prepared by them and the electoral divisions to which or to a part of which it

relates and also stating the place or places at which and the period, not being less than one month, during which a copy of such scheme will be available for inspection pursuant to the next following subsection of this section, and

- (b) where, in accordance with Section 25 of these Regulations, the scheme contains an environmental impact assessment, send a copy of the assessment to such bodies as may be prescribed by the Minister by regulations, indicating that observations may be sent to the Commissioners in relation to the effects on the environment of the proposed flood risk management works within such period as may be specified, not being less than one month after the sending to the body concerned of the environmental impact assessment, and
- (c) the notice published in accordance with subsection (a) of this section shall also indicate:
  - (i) details of the competent authority responsible for decision making, and
  - (ii) the authority to which questions can be addressed and the time schedule for transmitting questions, and
  - (iii) the nature of possible decisions which may be taken by the competent authority, and
  - (iv) details of where and when the relevant information will be made available.

(2) Where the Minister has sent information to another Member State pursuant to Section 29(4) he shall at the same time publish a notice in the *Iris Oifigiúil* and in one or more newspapers circulating in the area affected by the scheme as he shall consider appropriate, a notice stating that the scheme is one to which Section 29(4) applies.

(3) Where, in accordance with Section 25(4) of these Regulations, the scheme contains an environmental impact assessment, the notice published pursuant to paragraph (a) of subsection (1) of this section shall so indicate and shall state that copies of the environmental impact assessment will be available for purchase during the period specified in the said notice, and that any person may within that period send to the Commissioners observations in relation to the effects on the environment of the proposed flood risk management works.

(4) Every county council to which a copy of a flood risk management scheme is sent by the Commissioners pursuant to this section:

- (a) shall cause such copy to be exhibited in their principal offices or other convenient place during the period specified in that behalf in the notice relating to such scheme published pursuant to subsection (1) of this section and shall permit such copy to be inspected during office hours by any person claiming to be interested therein,

- (b) shall, where in accordance with Section 25(4) of these Regulations, the scheme contains an environmental impact assessment, cause copies of the environmental impact assessment to be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy of the assessment,
- (c) shall examine and consider the flood risk management scheme of which such copy is a copy, and
- (d) may, at any time within three months after the date of the publication in the *Iris Oifigiúil* pursuant to subsection (1)(a) of this section of the notice relating to such environmental impact assessment, map or plan, send to the Commissioners all such observations in regard to such scheme as such county council shall think proper.

(5) The duty imposed on the county council by subsection (4)(a), (b) and (c) and the power conferred on the local authority by subsection (4)(d) shall each be a reserved function.

(6) Where a flood risk management scheme prepared under Section 25(1)(b) of these Regulations includes a statement that the scheme has been prepared for the purpose of preventing or substantially reducing localised flooding Sections 27 and 28 of these Regulations shall have effect, in relation to that scheme, as if:

- (a) the reference in Sections 27 or 28 thereof to one month was a reference to fourteen days, and
- (b) the reference in Sections 27 or 28 thereof to three months was a reference to one month.

(7) Nothing in these Regulations shall be construed as preventing the Commissioners from preparing a second or further flood risk management scheme in relation to a catchment area, watercourse or part of a watercourse that has been the subject of such a scheme.

*Notices to reputed proprietors, occupiers.*

28. (1) Simultaneously with or as soon as may be after sending a copy of a flood risk management scheme to county councils pursuant to Section 27, the Commissioners shall:

- (a) serve on every person named in such scheme as a reputed proprietor, owner, or rated or other occupier of the lands, which will be affected by the carrying out of the scheme, or any land proposed to be compulsorily acquired or of any easement, fishery, water-right, navigation-right, or other right with a notice stating that such scheme has been prepared, specifying the place or places at which and the period during which a copy of such scheme will be available for inspection pursuant to these Regulations and informing him or her that such scheme proposes the compulsory acquisition of or interference with some land, (which land, and the proposed

interference (if any) shall be fully described in the notice) reputed to be owned or occupied by him or her, and

- (b) serve on every person who is the local authority or other authority (not being a county council to which a copy of such plan has been sent pursuant to Section 27) charged with the maintenance of any public road or bridge proposed in such scheme to be diverted, removed, or otherwise interfered with a notice informing such local authority of the preparation of such scheme and of the diversion, removal, or interference proposed in such scheme to be made in respect of such road or bridge.

(2) Every notice served on any person pursuant to the foregoing subsection of this section shall contain a statement informing such person that he may, within one month after the service of such notice on him, send to the Commissioners all such observations (if any) as he shall think proper in regard to (as the case may be) the acquisition, restriction, termination, or interference or the diversion, removal, or interference mentioned in such notice.

(3) Every person on whom a notice is served pursuant to this section may, at any time within one month after the service of such notice on him, send to the Commissioners all such (if any) observations in regard to the acquisition, restriction, termination, or interference or the diversion, removal, or interference (as the case may be) mentioned therein as he shall think proper.

(4) A notice required by this section to be served on any person may be served by post and, where the address of such person is not known, the letter containing such notice may be addressed to him at the lands or the place of situation of the right or property to which the notice relates.

*Approval of flood risk management scheme by the Minister.*

29. (1) When all the times limited by the provisions in Sections 27 and 28 of these Regulations for the sending to the Commissioners of observations by county councils or other persons in regard to a flood risk management scheme for the sending by prescribed bodies and interested persons of observations in relation to the effects on the environment of the proposed flood risk management works; the Commissioners shall do the following:

- (a) consider every such observation sent to them within the time appropriate thereto,
- (b) after consultation with such (if any) Minister of State as they shall think proper, make such, if any, alterations (whether by addition, omission, or variation) in the flood risk management scheme as they shall think proper,
- (c) submit the flood risk management scheme as so altered (if at all) to the Minister, and
- (d) where, in accordance with Section 25(4) of these Regulations, the flood risk management scheme contains an environmental impact

assessment, submit to the Minister details of observations received by them in relation to the effects on the environment of the proposed flood risk management works.

(2) When a flood risk management scheme has been submitted to the Minister pursuant to this section, the Minister shall do the following:

- (a) make an order approving such scheme, or
- (b) refuse to approve such scheme, or
- (c) refer such scheme back to the Commissioners for revision in specified respects and subsequent re-submission to the Minister under this section.

(3) Where, in accordance with Section 25(4) of these Regulations, a flood risk management scheme contains an environmental impact assessment:

- (a) the Minister shall:
  - (i) have regard to the said environmental impact assessment, to any observations received by the Commissioners or the Minister in relation to the effects on the environment of the proposed flood risk management works, and to the views, if any, furnished by other Member States of the European Communities pursuant to subsection (4) of this section,
  - (ii) publish in the *Iris Oifigiúil* and in one or more newspapers circulating in the area identified in the assessment as likely to be affected by the scheme, a notice stating his decision in relation to the scheme.
- (b) the Commissioners shall, when a decision is taken on the flood management scheme concerned, make the said environmental impact assessment and information on the decision available for inspection by members of the public during a period to be specified by the Minister. The information to be made available by the Commissioners shall comprise, a description of the public participation process, the concerns and opinions expressed by the public within the time provided, the main reasons on which the decision is based, having examined such concerns and opinions, and a description where appropriate of the main measures to avoid, reduce or offset where possible major adverse effects.

(4) For the purposes of this section:

- (a) where, in accordance with Section 25(4) of these Regulations, a flood risk management scheme contains an environmental impact assessment, the Minister may, where he considers it necessary so to do, require the Commissioners to furnish to him such further

information in relation to the effects on the environment of the proposed flood risk management works as the Minister may specify,

- (b) the Minister shall, where he considers that further information furnished in accordance with a requirement under paragraph (a) of this subsection contains significant additional data in relation to the effects on the environment of the proposed flood risk management works, require the Commissioners to:
    - (i) publish in one or more newspapers circulating in the area to be included in the proposed flood risk management scheme a notice stating that significant further information in relation to the said effects has been furnished to the Minister, that the further information will be available, for inspection free of charge or for purchase, at a specified place and at specified,
    - (ii) send notice of the furnishing to the Minister of significant further information, and a copy of the further information, to such bodies as may be prescribed by the Minister by order, and to indicate to those bodies that submissions or observations in relation to the further information may be made in writing to the Minister before the expiry of a specified period (which shall not be longer than one month).
- (5) For the purposes of this section:
- (a) where the Minister considers that proposed flood risk management works, which are the subject of an environmental impact statement in accordance with Section 25(4) of these Regulations, would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State of the European Communities considers that the said flood risk management works would be likely to have the said effects and so requests, he shall, as soon as possible, send to that other Member State:
    - (i) a description of the proposed flood risk management works and any available information on their possible effects on the environment in that Member State, and
    - (ii) information on the nature of the decision which may be taken, and shall give to that Member State a reasonable time to indicate whether it wishes to furnish views on said effects.
  - (b) where a Member State of the European Communities which has received information pursuant to paragraph (a) of this subsection indicates that it wishes to furnish views on the likely effects on the environment of the proposed flood risk management works, the Minister shall, if he has not already done so, send to that Member State:

- (i) a copy of the environmental impact assessment, and
  - (ii) relevant information about the procedure for making a decision on the flood risk management scheme concerned.
- (c) where the Minister provides information to another Member State in accordance with paragraph (b) he shall as soon as may be, place a notice in a newspaper circulating in the area of the Member State concerned where the flood risk management scheme is proposed to be carried out, indicating that the information has been provided, how it may be accessed by the public concerned, how observations may be submitted to the Minister and the time within which such observations must be submitted,
- (d) the Minister shall enter into consultations with a Member State of the European Communities to which information was sent pursuant to paragraph (b) of this subsection regarding the potential effects of the proposed flood risk management works on the environment in that Member State and the measures envisaged to reduce or eliminate such effects,
- (e) the Minister shall notify a Member State of the European Communities which was sent information pursuant to paragraph (b) of this subsection of his decision on the flood risk management scheme concerned.

(6) Where the Minister or the Commissioners or any other Minister of State has been notified by another Member State of a decision in respect of flood management works in such Member State in respect of which, the Minister, the Commissioners or other Minister of State has furnished views to the said Member State, the Minister, the Commissioners or other Minister of State, shall as soon as may be publish in a newspaper circulating in the area within the State, identified in the environmental impact assessment supplied by the other Member State as likely to be affected by the said flood risk management works, a notice indicating that such notification has been received and the time and place at which such information may be viewed and the period within which it will be available.

*Compulsory acquisition of land.*

30. (1) Upon the making of an Order by the Minister approving a flood risk management scheme (a Scheme Order) the Commissioner shall thereupon be authorised to acquire compulsorily any land or any rights in under or over lands or any substratum of land specified in the Order and for that purpose a Scheme Order shall have effect as if it were a compulsory purchase order referred to in section 10(1) of the Local Government (No. 2) Act 1960 (inserted by section 86 of the Housing Act) 1966 which has been duly made and approved and accordingly that section shall apply and have effect in relation to the Order with the modifications that:

- (a) references to housing authorities shall be construed as including references to the Commissioners, and
  - (b) references to the Minister for Environment, Heritage and Local Government shall be construed as including references to the Minister, and
  - (c) references to a compulsory purchase order shall be construed as including references to a Scheme Order, and
  - (d) with any other necessary modifications the reference in subsection 4(a) to section 78 of the Housing Act 1966 shall be construed as including a reference to subsections 1, 4 and 5 of that section.
- (2) A person shall not question the validity of a Scheme Order other than by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) (the Order).
- (3) An application for leave to apply for judicial review under the Order in respect of a Scheme Order or part thereof referred to in subsection (1) shall:
- (a) be made within the period of 8 weeks commencing on the date on which the Scheme Order was made unless the Court considers that there is good and sufficient reason for extending the period within which the application shall be made, and
  - (b) be made by motion on notice (grounded in the manner specified in the Order in respect of an *ex parte* motion for leave) to the Minister and the Commissioners, and such leave shall not be granted unless the High Court is satisfied that there are substantial grounds for contending that the Scheme Order is invalid or ought to be quashed, and that the applicant has a substantial interest (not limited to an interest in land or other financial interest) in the matter which is the subject of the application.
- (4) An application for leave to apply for a judicial review under the Order against a Scheme Order shall not affect the validity of the Scheme Order and its operation unless upon an application to the High Court, that Court suspends the Scheme Order until the application is determined or withdrawn:
- (a) the determination of the High Court of an application for leave to apply for judicial review, or of an application for judicial review, shall be final and no appeal shall lie from the decision of the High Court to the Supreme Court in either case, except with the leave of the High Court or Supreme Court, which leave shall only be granted where the Court certifies that the decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Supreme Court,

- (b) this subsection shall not apply to a determination of the High Court, in so far as it involves a question as to the validity of any law, having regard to the provisions of the Constitution.

(5) Where an application is made for judicial review in respect of part only of a Scheme Order, the High Court may, if it thinks fit, declare to be invalid or quash the part concerned or any provision thereof without declaring to be invalid or quashing the remainder of the Scheme Order or part of the Scheme Order, and if the Court does so, it may make any consequential amendments to the remainder of the Scheme Order or part of the Scheme Order that it considers appropriate.

(6) References in this section to the order shall be construed as including references to the order as amended or re-enacted (with or without modification) by rules of Court.

*Compensation for certain interferences with land.*

31. (1) Any person who suffers any loss or damage by reason of any interference (other than a compulsory acquisition or interference under these Regulations) by the Commissioners during the construction of any flood risk management works under these Regulations with any land owned or occupied by him or any easement, fishery, water-right, navigation-right, or other right belonging to him shall, subject to the provisions of these Regulations, be entitled to be paid by the Commissioners compensation in respect of such loss or damage.

(2) Every claim for compensation under this section:

- (a) shall be made in writing to the Commissioners within one year after the interference to which the claim relates is begun, and
- (b) shall, in default of agreement, be heard and determined by an arbitrator nominated by the Reference Committee from the Panel of Property Arbitrators whose decision, both as to the right to and the amount of such compensation, shall be final and conclusive.

*Compensation for injury to canals, fisheries.*

32. (1) Any person who, after the issue of a certificate of completion, suffers any loss or damage by reason of an injury (other than a compulsory acquisition, restriction, termination, of interference under these Regulations) to any canal or other navigable waterway or to any water-power or other water right or to any fishery or fishing right shall, subject to the provisions of these Regulations, be entitled to be paid by the Commissioners compensation for such injury where, but only where, such injury is caused by the operation generally of the flood risk management works to which such certificate of completion relates or by any particular mode or course of operation of such works.

(2) Every claim for compensation under this section shall be made in writing to the Commissioners and shall be made, in the case of an injury to a fishery or fishing right, within ten years or, in any other case, within three years after the

date of the certificate of completion of the flood risk management works in relation to which the claim arises.

(3) Every claim duly made for compensation under this section shall, in default of agreement, be heard and determined by an arbitrator nominated by the Reference Committee from the Panel of Property Arbitrators whose decision, both as to the right to and the amount of such compensation, shall be final and conclusive.

*Matters to be regarded in assessment of compensation.*

33. (1) When assessing compensation pursuant to any of the Sections 31 and 32 the arbitrator shall in every case have regard to any benefit, including but not limited to the net present value of risk reduction, to any property (whether such property is or is not the property in respect of which such compensation is claimed) of the person claiming such compensation which is occasioned by or may reasonably be expected to arise from the carrying out of the flood risk management scheme in relation to which the compensation is claimed and, in particular, the arbitrator, shall:

- (a) in the case of a claim in respect of a canal or other navigable waterway, have regard to any permanent benefit to the navigation of such waterway occasioned by or which may reasonably be expected to arise from the execution of the said flood risk management scheme, and
- (b) in the case of a claim in respect of water-rights, have regard to any alternative water supply provided by the Commissioners, and
- (c) in the case of a claim in respect of interference with water or a watercourse providing power for a mill or other industrial concern, have regard to the extent to which the power so provided was used for an industrial purpose during the ten years next preceding the date of the approval of the said flood risk management scheme by the Minister, and shall also have regard to any alternative source of power provided by the Commissioners.

*Disposal of surplus land.*

34. (1) As soon as conveniently may be after the issue of a certificate of completion the Commissioners shall inquire and determine whether any, and if so what lands, easements, fisheries, water-rights, navigation-rights, and other rights acquired by them under these Regulations for the purposes of the relevant flood risk management scheme are unnecessary and not required for the proper working and maintenance of the flood risk management works to which such certificate relates.

(2) All (if any) lands, easements, fisheries, water-rights, navigation-rights, and other rights determined by the Commissioners pursuant to the foregoing subsection of this section to be unnecessary and not required as mentioned in that subsection shall be sold or otherwise disposed of by the Commissioners for the benefit of the Exchequer in such manner as the Minister shall direct.

*Rectification of procedural defects.*

35. (1) Any failure by the Commissioners to adhere to the requirements of these Regulations shall not invalidate the legality or efficacy of any other action properly carried out in compliance with the provisions of these Regulations and the Commissioners may rectify any individual defect in procedure by the proper implementation of such provision, without the need to recommence any other part of the provisions of those sections.

*Inclusion of existing drainage works in a flood risk management scheme.*

36. (1) A flood risk management scheme may provide for the inclusion of the whole or a specified part of existing drainage works in the works proposed by such scheme to be executed and may provide for such inclusion either with or without the reconstruction or repair of such existing works.

(2) Where a flood risk management scheme as approved by the Minister provides for the inclusion of the whole or a specified part of existing drainage works in the works, thereby proposed to be executed, the following provisions shall have effect:

- (a) as soon as the Commissioners have entered on the said existing drainage works for the purpose of carrying out the said flood risk management scheme, the Commissioners shall make an order declaring the date on which they first so entered on the said existing drainage works and thereupon such order shall become and be conclusive evidence for all purposes of the date on which the Commissioners first so entered on the said existing drainage works, and
- (b) as on and from the date on which the Commissioners first enter on the said existing drainage works for the purpose of carrying out the said flood risk management scheme, the existing drainage works shall be deemed to be flood risk management works for the purposes of these Regulations and all references to flood risk management works in these Regulations shall also be taken to include any drainage works included in an order referred to in subsection (2) (a), and
- (c) nothing in this section shall operate to relieve the county council of a county from liability (if any) for any payments to the Commissioners in repayment of any advance made under any Act or Regulation by the Commissioners for the said existing drainage works.

(3) Nothing in this section shall operate to relieve the county council of a county or any other body from liability (if any) for the maintenance of any embankment for which they have existing responsibility for maintenance.

*The carrying out of a flood risk management scheme.*

37. (1) When the Minister has made an order approving a flood risk management scheme, the Commissioners shall proceed to carry out the scheme, and for that purpose the said order shall operate to confer on the Commissioners power:

- (a) to construct, execute, and complete the flood risk management works specified in the plan with such additions, omissions, variations, and deviations as shall be found necessary in the course of the work,
- (b) to enter on any land and there do all such acts and things as shall be necessary for or incidental to the construction, execution, or completion of the said flood risk management works with such additions, omissions, variations, and deviations as aforesaid,
- (c) to acquire compulsorily the several lands, easements, fisheries, water-rights, navigation-rights, and other rights proposed in the scheme to be so acquired, and, if the Commissioners think fit so to do, to enter on any such lands or exercise any of such easements, fisheries, water-rights, navigation-rights, and other rights before the conveyance or ascertainment of price of such lands, easements, fisheries, or rights,
- (d) to interfere substantially with any land proposed in the scheme to be so interfered with including the flooding of land and, if the Commissioners so think fit, to enter on and so interfere with such land before any ascertainment of compensation in respect thereof,
- (e) to restrict, terminate, or otherwise interfere with any easements, fisheries, water-rights, navigation-rights, or other rights proposed in the scheme to be compulsorily restricted, terminated, or interfered with, and to divert, remove, or otherwise interfere with any roads or bridges proposed in the scheme to be diverted, removed, or interfered with, and, if the Commissioners so think fit, to do any of the things aforesaid before any ascertainment of compensation in respect thereof,
- (f) for the purpose of the due carrying out of the scheme to do all or any of the following things:
  - (i) take from any land all sods and other material required for the said purpose,
  - (ii) deposit on any land all spoil or other material produced in the course of such carrying out,
  - (iii) utilise for the said purpose all or any spoil, gravel, stone, rock, or other matter removed in the course of such carrying out,
- (g) to do all such other acts and things as shall, in the opinion of the Commissioners, be necessary or proper for or incidental to the due carrying out of the flood risk management scheme and are not specifically provided for by these Regulations, and
- (h) where an addition to, variation in, omission or deviation from a scheme approved by the Minister would in itself exceed the thresholds requiring the undertaking of an environmental impact assessment, or might have significant adverse effects on the environment, an

environmental impact assessment shall be undertaken in respect of such addition, variation, omission or deviation in accordance with subsections 4, 5, 6,7 and 8 of Section 25 of these Regulations unless an exemption in accordance with subsection 9 of Section 25 is granted by the Minister. The environmental impact assessment shall be submitted to the Minister for approval in accordance with Section 29 of these Regulations as if it were a flood risk management scheme.

*Protection of fisheries.*

38. (1) It shall not be obligatory on the Commissioners, when constructing flood risk management works pursuant to a flood risk management scheme, to comply with the Fisheries Acts, 1842 to 1944.

(2) Notwithstanding the exemption conferred by the foregoing subsection of this section, the Commissioners shall, when constructing flood risk management works pursuant to a flood risk management scheme, take such precautions and make such provisions as the Minister for Agriculture, Fisheries and Food may consider adequate for the protection of and avoidance of injury to fisheries during or in consequence of the construction of such flood risk management works, provided that the said Minister shall, in consultation with the Commissioners, satisfy himself that taking such precautions and making such provisions will not cause substantial detriment to such flood risk management works or substantial hindrance to their construction.

*Duties of the Commissioners in regard to public roads and bridges.*

39. (1) Where a flood risk management scheme provides for the diversion, removal, or other interference of or with a public road or bridge the following provisions shall have effect:

- (a) where the carrying out of the scheme involves the closing of such road or bridge to traffic, the Commissioners shall either, as they shall think proper, construct and (while such road or bridge is so closed to traffic) maintain a temporary road or bridge sufficient to carry traffic of such quantity and character as normally uses such road or bridge, or by order made with the consent of the Minister for Environment, Heritage and Local Government prescribe an alternative route to be used while such road or bridge is so closed to traffic,
- (b) the Commissioners shall, before the completion of the carrying out of the flood risk management scheme, do whichever of the following things they shall think proper:
  - (i) restore the said road or bridge to its former condition, or
  - (ii) after consultation with the Minister for Environment, Heritage and Local Government, construct a new permanent road or bridge sufficient to carry the like amount (in quantity and character) of traffic as the said original road or bridge was able to carry and not substantially less convenient in gradient and curve than such original road or bridge, or

- (iii) with the consent of the Minister for Environment, Heritage and Local Government, so improve (by reconstruction, strengthening, widening, or otherwise) an existing alternative road or bridge that it will be sufficient to carry the traffic which will be likely to use it and will not be substantially less convenient than the said original road or bridge,
- (c) where the Commissioners construct a permanent new road or bridge or improve an existing alternative road or bridge and such road or bridge confers substantially greater advantages on the public of any county or urban district than the original road or bridge, whether by affording an improved means of communication or otherwise, the Commissioners shall certify the cost of such new road or bridge or of such improvement (as the case may be) and the Minister for Environment, Heritage and Local Government shall certify what part of such cost in his opinion ought reasonably to be borne by the county council of such county or urban district, and thereupon a sum equal to the part so certified of such cost shall be raised by such county council as part of the expenses of the maintenance by such county council of county or urban roads (as the case may be) and shall be paid by such county council to the Commissioners, and
- (d) if any doubt, dispute, or question shall arise as to whether the Commissioners, in the construction or maintenance of any temporary road or bridge or the restoration of an existing road or bridge or the improvement of an existing alternative road or bridge (as the case may be) pursuant to this section, have complied with the relevant provisions of this section or as to whether a permanent new road or bridge constructed by the Commissioners or an existing alternative road or bridge improved by the Commissioners (as the case may be) confers substantially greater advantages on the public of any county or urban district than the original road or bridge, such doubt, dispute, or question shall be decided by the Minister for Environment, Heritage and Local Government whose decision shall be final and conclusive.

(2) The Commissioners may agree with the appropriate local authority for the doing by such local authority of anything which the Commissioners are required or authorised by subsection (1) of this section to do and may further agree to make to such local authority payment for or towards the cost of the doing of such thing by such local authority.

(3) Nothing in this section shall operate to impose on the Commissioners any duty or responsibility in respect of the maintenance of any new permanent road or bridge constructed by them pursuant to this section or any road or bridge similarly restored or improved by them.

*Certificate of total or partial completion.*

40. (1) When the Minister is satisfied on the representation of the Commissioners that a portion of the flood risk management works specified in

a flood risk management scheme has been completed in accordance with that scheme (with such additions, omissions, variations, and deviations as may have been found necessary in the course of the work) and that the said portion of the said flood risk management works can conveniently be regarded as a separate work for the purposes of so much of these Regulations as relates to matters subsequent to the completion of a flood risk management plan, the Minister shall, subject to the subsequent provisions of this section, cause to be issued a certificate (in these Regulations referred to as a certificate of partial completion) sealed with his official seal certifying that the said portion of the said flood risk management works has been completed as aforesaid.

(2) When the Minister is satisfied on the representations of the Commissioners that the whole of the flood risk management works specified in a flood risk management scheme have been completed in accordance with that scheme (with such additions, omissions, variations, and deviations as may have been found necessary in the course of the work), the Minister shall, subject to the subsequent provisions of this section, cause to be issued a certificate (in these Regulations referred to as a certificate of total completion) sealed with his official seal certifying that the whole of the said flood risk management works have been completed as aforesaid.

(3) In these Regulations the expression “certificate of completion” includes both a certificate of total completion and a certificate of partial completion.

(4) The following provisions shall apply and have effect in relation to the issue under this section of a certificate of completion:

- (a) the Minister shall cause to be published in the *Iris Oifigiúil* and in such one or more newspapers circulating in the area to which the flood risk management scheme relates as he shall think proper a notice stating that the Minister proposes to issue the said certificate and that any person may, within two months after the date of the publication of such notice in the *Iris Oifigiúil*, send to the Minister an objection to the issue of the said certificate,
- (b) simultaneously with or as soon as may be after the publication of the said notice in the *Iris Oifigiúil*, the Minister shall send to the county council of every county in which the area or part of the area to which such scheme relates is situate a copy of the said notice,
- (c) the county council of a county to whom a copy of the said notice has been so sent or any other person may, within two months after the date of the publication of the said notice in the *Iris Oifigiúil*, send to the Minister an objection in writing stating that such county council or such person objects to the issue of the said certificate and the grounds of such objection,
- (d) the Minister shall consider every (if any) objection sent to him under the paragraph (c) of this subsection and shall take such steps in regard thereto as he shall think proper, and

(e) the said certificate shall not be issued less than two months after the date of the publication of the said notice in the *Iris Oifigiúil*.

(5) The power conferred on the county council of a county by paragraph (c) of subsection (4) of this section shall be a reserved function.

(6) A certificate of partial completion shall be conclusive evidence that the portion specified in such certificate of the flood risk management works specified in the flood risk management scheme, to which such certificate relates has been completed in accordance with that scheme.

(7) A certificate of total completion shall be conclusive evidence that the whole of the flood risk management works specified in the flood risk management scheme to which such certificate relates have been completed in accordance with that scheme.

(8) Where a certificate of partial completion or two or more such certificates have been issued in relation to any flood risk management works, the certificate of total completion in relation to those flood risk management works shall include and apply to the portions of those flood risk management works covered by such certificate or certificates of partial completion and thereupon such certificate or certificates of partial completion shall cease to have effect.

(9) Sections 19, 40 and 41 of the Arterial Drainage Act, 1945, are hereby deleted and the Commissioners are also relieved of any obligations arising under the said sections prior to the coming into effect of these Regulations.

*Maintenance of flood risk management works by the Commissioners.*

**41.** (1) Whenever a certificate of completion has been issued, the following provisions shall apply and have effect in relation to the maintenance of (as the case may be) the flood risk management works stated in such certificate to have been completed or the existing drainage works to which such order relates (but in the latter case so long only as such existing drainage works are maintainable by the Commissioners by virtue of such order):

(a) the Commissioners shall maintain the said flood risk management works or existing drainage works (as the case may be) in proper repair and effective condition but, in the case of any such existing drainage works, it shall not be obligatory on the Commissioners to maintain such works in a better condition or state of repair than they were in on the date of the maintenance transfer order, and

(b) in any proceedings against the Commissioners for damages or for relief in the nature of mandamus on account of the alleged inadequate maintenance by the Commissioners of any such flood risk management works or existing drainage works, a certificate sealed with the seal of the Commissioners and stating that the Commissioners have caused the said flood risk management works or existing drainage works to be inspected and are satisfied that the said flood risk management works or existing drainage works were, at the date of such inspection, in a condition and state of repair at least as

good as on the date of the relevant certificate of completion shall be conclusive and irrefutable evidence that the said existing drainage works were in a condition and state of repair at the date of such inspection at least as good as on the date of the said certificate of completion.

*Powers of the Commissioners in relation to maintenance.*

42. (1) For the purpose of the maintenance by the Commissioners of any flood risk management works (including existing drainage works) pursuant to these Regulations, it shall be lawful for the Commissioners to do all or any of the following things:

- (a) enter on any land and there do all such things as shall be necessary for or incidental to such maintenance,
- (b) take from any land all sods and other material required for the purpose of such maintenance,
- (c) deposit on any land all spoil and other material produced in the course of such maintenance,
- (d) utilise for the purpose of such maintenance all or any spoil, gravel, stone, rock, or other material removed in the course of such maintenance, and
- (e) do all such other acts and things as shall, in the opinion of the Commissioners, be necessary or proper for the efficient carrying out of such maintenance.

(2) In addition and without prejudice to the general powers conferred on the Commissioners by the foregoing subsection of this section, it shall be lawful, for the purpose of the maintenance by them of any flood risk management works pursuant to these Regulations, to execute such improvements to such flood risk management works as appear to them to be minor matters properly capable of being regarded as maintenance.

(3) Any minor improvements effected by the Commissioners under subsection (2) of this section shall be regarded for the purposes of these Regulations as maintenance and the cost thereof shall be defrayed accordingly.

*Execution of additional works.*

43. (1) At any time after a certificate of completion has been issued by the Minister under these Regulations, it shall be lawful for the Minister by order made on the application of the Commissioners, subject to the relevant provisions of these Regulations, to empower the Commissioners to do all or any of the following things:

- (a) to execute such further flood risk management works (by way of addition to or improvement of the flood risk management works mentioned in such certificate of completion) as may appear to the

Commissioners to be necessary for the efficient working of the said flood risk management works mentioned in the said certificate,

- (b) compulsorily to acquire any specified lands, and
- (c) compulsorily to acquire, abolish or interfere with any weirs, sluices, easements, fisheries, water-rights, navigation-rights, or other rights.

(2) An order made by the Minister under this section may incorporate and apply such of the provisions of these Regulations as shall appear to him to be necessary or appropriate.

*Modification or relocation of watercourse, embankment or other works.*

44. (1) In this section “relevant works” means a watercourse, embankment or other works that has or have been completed pursuant to a flood risk management scheme.

(2) It shall be lawful for the Commissioners to give their consent to the modification, relocation or the alteration in any other manner by a person of relevant works where they are of opinion that such modification, relocation or alteration is not likely to result in the flooding of any lands or the drainage of any lands being adversely affected.

(3) For the purposes of this section:

- (a) if relevant works are modified, relocated or altered in any other manner by a person with, or without, the consent of the Commissioners, the Commissioners may, as they consider appropriate in the circumstances:
  - (i) reinstate those works to their condition before such modification, relocation or alteration was carried out, or
  - (ii) maintain those works as so modified, relocated or altered.
- (b) the provisions of these Regulations conferring powers on the Commissioners for the purposes of the maintenance by them of any relevant works shall apply and have effect for the purposes of the maintenance by them of relevant works under paragraph (a) above.

(4) The costs incurred by the Commissioners in reinstating relevant works under paragraph (a)(i) of subsection (3) shall, where the modification, relocation or alteration of the works had been carried out without their consent, be borne by the person who carried out the modification, relocation or alteration and, in default of payment by him or her of those costs, may be recovered by the Commissioners from him or her as a simple contract debt in any Court of competent jurisdiction.

(5) In proceedings to recover costs referred to in subsection (4), it shall be presumed until the contrary is proved that the owner of the land through which the watercourse concerned passed or, as the case may be, on which the

embankment or other works concerned was or were located immediately before the modification, relocation or alteration concerned was carried out was the person who carried out that modification, relocation or alteration.

*Powers of Commissioners where there is a substantial risk of flooding as a result of modification or relocation of relevant works.*

45. (1) If relevant works are modified, relocated or altered in any other manner by a person without the consent of the Commissioners it shall be lawful for the Commissioners, if they are of opinion that there is a substantial and imminent risk of flooding or other injurious consequence arising as a result of such modification, relocation or alteration, to take such steps and carry out such works as they consider necessary to prevent such flooding or other injurious consequence and, without prejudice to the generality of the foregoing, the Commissioners may enter on any land and do all things thereon as they consider necessary for the said purpose.

(2) For the purposes of this section:

- (a) subject to paragraph (b), the Commissioners shall not enter on any land pursuant to subsection (1) without giving at least 24 hours previous notice of their intention to do so to any owner or occupier of the land whose identity and whereabouts can be ascertained by the Commissioners by the taking of reasonable steps,
- (b) this subsection shall not apply in any case where the Commissioners are of opinion that, by reason of the particular circumstances of the case, it is necessary to enter immediately on the land concerned.

(3) Where a person (not being a person who carried out the modification, relocation or alteration of the relevant works concerned) suffers loss or damage in consequence of the exercise by the Commissioners of a power conferred on them by this section, the Commissioners shall pay to the person compensation in respect of the loss or damage.

(4) In this section “relevant works” has the same meaning as in Section 44.

*The Panel of Property Arbitrators.*

46. (1) The Reference Committee shall from time to time at the request of the Minister appoint such number as the Minister shall specify of persons to be members of a panel to be known and in these Regulations referred to as the Panel of Property Arbitrators.

(2) The following provisions shall apply and have effect in relation to the members of the Panel of Property Arbitrators (in this and the next following subsection referred to as the Panel):

- (a) every member of the Panel shall (subject to the subsequent provisions of this section) hold his membership for a term of five years certain from the date of his appointment or latest re-appointment to the Panel,

- (b) a member of the Panel whose term of membership expires by effluxion of time and who has not attained the retiring age may be re-appointed,
  - (c) a member of the Panel may at any time resign his/her membership thereof by letter to the Reference Committee,
  - (d) the Reference Committee may, on their own motion or on the application of the Minister, remove from the Panel any member thereof who has in their opinion been guilty of conduct which renders him unfit to be a member of the Panel, but no member of the Panel shall be removed under this paragraph without being given an opportunity of being heard by the Reference Committee in his own defence,
  - (e) every member of the Panel shall be obliged (unless excused by the Reference Committee) to serve as arbitrator at any arbitration for the purposes of these Regulations in respect of which he is nominated as arbitrator by the Reference Committee,
  - (f) a member of the Panel shall, in respect of every arbitration or series of arbitrations for the purposes of these Regulations at which he acts as arbitrator, be entitled to be paid by the Commissioners such remuneration or fees and such travelling and subsistence allowances as the Minister shall determine, and
  - (g) a member of the Panel shall not be precluded by his membership of the Panel from engaging in private practice or business.
- (3) The Reference Committee shall, with the consent of the Minister, fix such age (not exceeding seventy years) as they shall think proper to be the retiring age for members of the Panel. and:
- (a) no person who has attained such retiring age shall be appointed to be a member of the Panel, and
  - (b) a member of the Panel who attains such retiring age during his membership shall (save as provided by the next following paragraph of this subsection) forthwith cease to be a member of the Panel and shall be ineligible for re-appointment, and
  - (c) a member of the Panel who attains such retiring age while engaged on an arbitration under these Regulations, shall retain his membership of the Panel for the purpose of completing such arbitration but for no other purpose.

*General power of the Commissioners to employ contractors.*

47. (1) Subject to Section 63(1), whenever the Commissioners are authorised by or under these Regulations to execute any flood risk management or other engineering or building works, they may, in lieu of executing such works themselves by their own officers and servants, contract (with the sanction of the

Minister) with any person for the execution of the whole or part of such works by such person and may for that purpose enter (with the sanction aforesaid) into such contracts and agreements as may be requisite.

(2) Whenever the Commissioners contract under this section with any person for the execution by him of any works, they may, by any contract or agreement with such person, delegate to him such of the powers and duties conferred or imposed on the Commissioners by or under these Regulations as shall be specified in such contract or agreement, and thereupon such person shall have (concurrently with the Commissioners) the right to exercise the powers and the obligation to perform the duties so specified so far as and no further than is necessary for the execution of the said works by him.

*Additional powers for recovery of money payable by county councils.*

48. (1) Whenever any money is payable under these Regulations to the Commissioners by the county council of a county and such county council fails so to pay such money or some part thereof at the time at which the same is payable under these Regulations, such money or such part thereof (as the case may be) may, without prejudice to any other mode of recovery provided by these Regulations, be deducted from any money payable to such county council by any Minister of State for any purpose whatsoever.

(2) The amount of every deduction made under this section shall be paid to the Commissioners and shall be applied by them in discharge of the money because of the non-payment of which such deduction was made.

*Payment of certain debts out of compensation.*

49. (1) Where compensation is payable under these Regulations by the Commissioners to a person and any money is due and owing by such person to a Minister of State, the Revenue Commissioners, the Irish Land Commission, or the Commissioners, it shall be lawful for the Commissioners to pay and discharge out of such compensation the money so due and owing by such person and to pay to him only the balance (if any) of such compensation remaining after such payment and discharge.

*Restrictions on the construction or alteration of bridges.*

50. (1) No person, including a body corporate, shall construct any new bridge or alter, reconstruct, or restore any existing bridge over any watercourse without the consent of the Commissioners or otherwise than in accordance with plans previously approved of by the Commissioners.

(2) If any person shall construct or begin to construct or partially construct a new bridge in contravention of this section, the Commissioners may serve by post on such person a notice requiring him:

- (a) if such bridge has not been completely constructed, to desist forthwith from the construction thereof,
- (b) in any case, to remove, within a time specified in that behalf in such notice, such bridge or so much thereof as shall have been constructed.

(3) If any person shall alter, reconstruct, or restore an existing bridge in contravention of this section or shall begin so to do or shall partially so do, the Commissioners may serve by post on such person a notice requiring him:

- (a) if such alteration, reconstruction, or restoration has not been completed, to desist forthwith therefrom, or
- (b) in any case, to remove, within a time specified in that behalf in such notice, all work done on such bridge, or
- (c) in any case, within a time specified in that behalf in such notice, to restore such bridge to its original condition.

(4) If any person on whom a notice has been served by the Commissioners under the foregoing provisions of this section fails to comply with such notice, the following provisions shall apply and have effect:

- (a) such person shall be guilty of an offence under this section and shall be liable on conviction thereof to the penalties set out in Section 52(3) of these Regulations,
- (b) it shall be lawful for the Commissioners (whether such person has or has not been prosecuted under the foregoing paragraph of this subsection) to enter upon and remove all work done in contravention of this section and to recover from such person in any court of competent jurisdiction as a simple contract debt the expenses (as certified by the Commissioners) incurred by the Commissioners in effecting such removal.

(5) Any person who claims that the Commissioners have unreasonably refused their approval of plans submitted by him for the construction of a new bridge or the alteration, reconstruction, or restoration of an existing bridge may, by notice in writing to the Commissioners, require such claim to be referred under this subsection and thereupon:

- (a) if such person is a local authority, such claim shall be referred to the Minister for Environment, Heritage and Local Government, whose decision thereon shall be final, or
- (b) in any other case, such claim shall be referred to an arbitrator appointed by the Reference Committee from the Panel of Property Arbitrators whose decision thereon shall be final and conclusive.

(6) In this section, the word “bridge” includes a culvert or other like structure.

*Protection of the Commissioners from certain liabilities.*

51. (1) Nothing contained in these Regulations nor anything done by the Commissioners thereunder nor any direction or instruction given by the Commissioners under these Regulations nor anything done under any such instruction or direction shall operate to relieve the owner of a weir, sluice, dam, or other work connected with a mill or factory from any responsibility, however

imposed or arising, for the maintenance of or otherwise relating to such work or operate to transfer any such responsibility from such owner to the Commissioners.

(2) Nothing contained in these Regulations nor anything done by the Commissioners thereunder shall operate to render the Commissioners liable (save where it is proved that their officers, servants, or agents have been guilty of carelessness or neglect) for any loss or damage which may happen to any land or other property, including but not limited to, any loss or damage through or by the overflowing of any river, stream, or watercourse or through or by the sudden breaking of any bank, dam, weir, sluice, or other work constructed by the Commissioners under these Regulations or for the maintenance of which they are responsible under these Regulations.

*Offences and penalties.*

52. (1) Every person and or body who shall do any of the following things shall be guilty of an offence under this section:

- (a) fail to comply with a requirement of these Regulations, or
- (b) wilfully obstruct the Commissioners or any of their officers, agents, or servants in the exercise of any of the powers or the performance of any of the duties conferred or imposed on the Commissioners to any of their officers, agents, or servants by or under these Regulations, or
- (c) pull down, remove, or injure any works constructed or in course of construction by the Commissioners under these Regulations or transferred to the Commissioners by or under these Regulations, or any materials, equipment or property of the Commissioners, or
- (d) remove, injure, or deface any poles, pegs, marks, or other similar things erected, placed, or made by the Commissioners or any of their officers, agents, or servants for the purpose or in the course of the exercise of any of the powers or the performance of any of the duties conferred or imposed on the Commissioners or any of their officers, agents, or servants by or under these Regulations, or
- (e) throw or put any weeds or any stones, soil or other solid matter or cause or permit any weeds or any such solid matter to fall or pass into any watercourse in respect of which any works have been constructed by or transferred to the Commissioners or are about to be or are being constructed under these Regulations so as to cause obstruction, hindrance, or delay in the construction or operation of such works, or
- (f) without the consent of the Commissioners, place or erect any dam, weir, or other obstruction in any watercourse in respect of which any works have been constructed by or transferred to the Commissioners or are about to be or are being constructed under these Regulations, or

- (g) obstruct the flow of water to, through, or from any flood risk management works constructed by or transferred to the Commissioners by or under these Regulations so as to prevent or hinder the efficient operation of such works or to cause flooding of such works or of any land drained thereby, or
- (h) do any act which interferes with the efficient working or effectiveness of any hydrometric gauge, or
- (i) remove or carry out any adjustment to a flood risk management or drainage embankment, or
- (j) cease, adjust or change the maintenance of a flood risk management or drainage embankment, or
- (k) remove or carry out any adjustment to a flood risk management asset which is listed in a flood risk asset register of the Commissioners or a county council, or is included in a flood risk management plan or flood risk management scheme, or
- (l) fail to maintain to its current level of maintenance a flood risk management asset, which is listed in a flood risk asset register of the Commissioners or a county council, or is included in a flood risk management plan or flood risk management scheme.

(2) In this section, the word “Commissioners” includes contractors employed by the Commissioners under Section 47 of these Regulations and public authorities appointed by the Commissioners under Section 59 of these Regulations and the word “Regulations” includes the Directive or order made under these Regulations or by a bye-law made under these Regulations.

(3) A person, public body, public authority, body corporate or unincorporated body guilty of an offence is liable:

- (a) on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or to both, together with, in the case of a continuing offence, a further fine not exceeding €1,000 for every day during which the offence is continued or maintained, or
- (b) on conviction on indictment to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or of a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if that person was guilty of the first-mentioned offence.

(5) Where the affairs of a body corporate or unincorporated body are managed by its members, this section shall apply to the acts and defaults of a member in connection with that member's functions of management as if that member was a director or manager of the body.

(6) A prosecution for an offence under these Regulations may be taken by a Minister of the Government or the Commissioners.

*Bye-laws.*

53. (1) In this section the expression "flood risk management works" shall be construed and have effect as including an existing embankment the control and management of which is for the time being vested in the Commissioners by virtue of a designation order under these Regulations.

(2) The Commissioners may make such bye-laws as they shall consider necessary or expedient for securing the protection and efficient functioning of flood risk management works constructed or in course of construction by them under these Regulations or the control and management of which is transferred to them by or under these Regulations and, in particular and without prejudice to the generality of the foregoing power, the Commissioners may make bye-laws for all or any of the following purposes:

- (a) regulating generally the management and operation of the flood risk management works to which the bye-laws apply,
- (b) regulating and controlling the use and preventing the improper use of or damage to watercourses, banks, and other works comprised in or forming part of such flood risk management works,
- (c) regulating the opening, closing, and working of sluices, hatches, flood gates, pumps, and other machinery comprised in or forming part of such flood risk management works,
- (d) prohibiting any such obstruction or pollution of or any such putting of solid matter into a watercourse flowing to, through, or from such flood risk management works as prevents or hinders or is likely to prevent or hinder the efficient operation of such flood risk management works or causes or is likely to cause flooding of land drained or protected by such flood risk management works,
- (e) prohibiting the doing of any injury or damage to such flood risk management works,
- (f) prohibiting any interference with such flood risk management works by unauthorised persons, and
- (g) compelling persons liable to maintain a watercourse to keep such watercourse cleaned and scoured.

(3) The Commissioners may make such bye-laws as they shall consider necessary or expedient for defining the criteria to be used in areas of potential significant flood risks referred to in Section 10.

(4) Bye-laws made under this section may relate and be made applicable to all flood risk management works for the time being constructed or in the course of construction by the Commissioners under these Regulations or existing drainage works which form part of a flood risk management scheme or have been designated as flood risk management works by order under these Regulations or may relate and be made applicable only to one or more particular such aforementioned works.

(5) No bye-law made under this section shall be of any force or effect unless or until it has been approved by the Minister.

(6) Where the Minister confirms a bye-law made under this section, notice of such approval shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the district in which the flood risk management works to which the bye-law relates are situate.

(7) The Minister may by order, whenever he so thinks proper, amend or revoke any bye-law made by the Commissioners under this section notwithstanding that such bye-law has been confirmed by him.

(8) A document purporting to be a copy of a bye-law made under this section and having endorsed on it a certificate purporting to be sealed with the seal of the Commissioners declaring it to be a true copy of such bye-law shall be received in evidence in any proceedings (whether civil or criminal) in any Court as conclusive evidence of the contents of such bye-law and that it was duly made and approved of in accordance with this section and is in force.

*Apportionment of land purchase annuities.*

54. (1) Whenever land acquired by the Commissioners under these Regulations is subject, in conjunction with other land, to a land purchase annuity or other annual payment payable to the Irish Land Commission or to the Commissioners, the Irish Land Commission or the Commissioners (as the case may be) may apportion such annuity or annual payment in such manner as they consider proper between the land so acquired and such other land or may charge the whole of such annuity or annual payment on any part of the land subject thereto in exoneration of the residue of such land.

*Designation Orders.*

55. (1) Where it appears appropriate the Minister may, by order (in these Regulations referred to as a Designation Order) made on the application of the Commissioners, designate an existing drainage scheme, which is vested in the Commissioners, as a flood risk management scheme under these Regulations and the Minister may also make an order under these Regulations abolishing the drainage district containing the drainage scheme and its works.

(2) Whenever the Minister makes a Designation Order the responsibility for the maintenance of the designated flood risk management works shall be in accordance with Section 41(1)(a) and (b) as and from the date of such order.

*Power to construct a substitute embankment.*

56. (1) Whenever the Commissioners are satisfied, in regard to an existing embankment in respect of which duties of repair and maintenance are imposed on them by virtue of a Designation Order, that the construction of a new embankment on another site is necessary (in addition to or in substitution for such existing embankment) for the proper protection of the land or part of the land served by such existing embankment, it shall be lawful for the Commissioners to construct such new embankment on such site and according to such plans as they shall, consider suitable.

(2) For the purpose of the construction of a new embankment under the foregoing subsection of this section, the Commissioners shall have power:

- (a) to enter on the proposed site of such new embankment and there construct such an embankment and do all such things as shall, in their opinion, be necessary for or incidental to such construction,
- (b) to enter on any other land and there do such things as shall, in their opinion, be necessary for the purposes of the construction of such new embankment and, in particular, to take soil and other materials from such land, and
- (c) to pay compensation for damage, whether permanent or temporary, to land occasioned by the exercise by the Commissioners of any of the powers conferred on them by the foregoing provisions of this subsection.

(3) All claims for compensation payable by the Commissioners under subsection (2) of this section shall, in default of agreement, be heard and determined by an arbitrator nominated by the Reference Committee from the Panel of Property Arbitrators, and the decision of such arbitrator (both as to the right to and the amount of such compensation) shall be final and conclusive.

(4) In determining, under the subsection (3) of this section, the right to or the amount of such compensation as is mentioned in that subsection, the arbitrator shall have regard to the benefit (if any) conferred on the claimant for such compensation or on his land by the construction of such new embankment.

(5) Where a new embankment is constructed by the Commissioners under this section in addition to or in substitution for an existing embankment, the powers and duties conferred or imposed on the Commissioners by or under these Regulations in relation to the maintenance of such existing embankment shall apply and extend to such new embankment.

*Abandonment of an existing embankment.*

57. (1) The Minister may by order (in these Regulations referred to as an Abandonment Order) whenever he thinks proper so to do on the application of the Commissioners, authorise the abandonment of the whole or any specified

part of an existing embankment in relation to which duties of repair and maintenance are imposed on the Commissioners under these Regulations or under any Act listed in the Third Schedule.

(2) An Abandonment Order shall operate to authorise the Commissioners to abandon the existing embankment or the part of an existing embankment to which such order relates and to relieve and discharge the Commissioners, as from the date of such order, of and from the duties of repair and maintenance imposed on them by virtue of the relevant transfer order.

(3) Every person who suffers loss or damage by reason of the flooding of land owned or occupied by him shall, where such flooding is due directly to the abandonment of an existing embankment pursuant to an Abandonment Order, be entitled to be paid by the Commissioners compensation in respect of such loss or damage.

(4) Every claim for compensation under this section:

- (a) shall be made in writing to the Commissioners within one year after the loss or damage to which the claim relates is first suffered, and
- (b) shall, in default of agreement, be heard and determined by an arbitrator nominated by the Reference Committee from the Panel of Property Arbitrators whose decision, both as to the right to and the amount of such compensation, shall be final and conclusive.

(5) Compensation payable under this section in respect of the flooding of land (in this subsection referred to as flooded land) which is subject, either alone or in conjunction with other land, to a Land Purchase Annuity or other annual payment (not being merely rent under a contract of tenancy) payable to the Irish Land Commission or to the Commissioners shall be applied by the Commissioners in or towards the redemption of so much (whether the whole or a part) of such annuity or annual payment as is charged on or apportioned to the flooded land exclusively, and only the surplus (if any) of such compensation remaining after such redemption shall be paid to the owner or occupier of the flooded land.

*Powers of the Minister.*

58. (1) For the purposes of assessment and management of flood risk and giving further effect to the provisions and requirements of these Regulations and the Directive the Minister shall have power to make an Order:

- (a) requiring operators of flow and level gauges to maintain and operate these gauges where they have existing general responsibility for such work,
- (b) requiring local authorities to consider the need for flood risks gauges and the need to protect existing flood risk gauge sites when drawing up development plans,

- (c) conferring on the Commissioners such additional functions and powers as he considers appropriate for the purposes of assessment and management of flood risk,
- (d) designating channels to be maintained or undesignating all or part of a channel including those designated under other legislation,
- (e) making such provision as he considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Commissioners of functions relating to the assessment and management of flood risk,
- (f) making, amending or revoking an Order under these Regulations,
- (g) transferring or granting, with the agreement of the Minister for Environment, Heritage and Local Government, responsibilities and powers of the Commissioners under the Arterial Drainage Act 1945 Act to the Minister for Environment, Heritage and Local Government for operation under the Planning Acts,
- (h) amending or repealing any provision of the Act of 1945 for the purposes of improving the assessment and management of flood risk or where the matters is also dealt with in these Regulations.

(2) The Minister may provide such assistance, including financial assistance, to the relevant public authorities as the Minister considers appropriate in relation to the discharge of their functions under these Regulations.

*General power of the Commissioners to delegate powers and responsibilities.*

59. (1) Whenever the Commissioners are authorised by or under these Regulations to undertake prepare or establish, review or update preliminary flood risk assessments, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Sections 7, 11 and 15 or execute any flood risk management or other engineering or building works, they may, in lieu of executing such operations and works themselves by their own officers and servants, appoint (with the sanction of the Minister) any public authority listed in the First Schedule for the execution of the whole or part of such operations and works by such public authorities and may for that purpose enter (with the sanction aforesaid) into such arrangements and agreements as may be requisite.

(2) Whenever the Commissioners enter into arrangements and agreements under this section with any public authority for the execution by such public authority of any such operations as are listed in subsection (1) of this section, the Commissioners may, by any arrangement or agreement with such public authority, delegate to it such of the powers and duties conferred or imposed on the Commissioners by or under these Regulations as shall be specified in such arrangement or agreement, and thereupon such public authorities shall have (concurrently with the Commissioners) the right to exercise the powers and the obligation to perform the duties so specified so far as and no further than is necessary for the execution of the said operations or works by it.

*Costs of flood risk management works may be defrayed by third parties.*

60. (1) The Commissioners may enter into an agreement with one or more other persons (including a local authority or authorities) whereby that other person or persons agrees or agree, to defray, in whole or in part, the costs incurred by the Commissioners in executing or maintaining specified flood risk management works.

*Arrangements with a public authority.*

61. (1) The Commissioners may, with the sanction of the Minister, enter into arrangements with a public authority regarding financing of flood risk management measures being carried out under the powers of that said public authority, including co-financing with public and private bodies.

*Arrangements with public and other bodies.*

62. (1) The Commissioners may, with the sanction of the Minister, enter into arrangements with any body including public authorities and commercial companies for the financing, including financing in part, of schemes of measures with the aim of managing flood risks.

*Minor operations and works.*

63. (1) The Commissioners may make such bye-laws as they shall consider necessary or expedient for defining minor operations and works to be carried out under these Regulations and also the sections, subsections and paragraphs of these Regulations which shall not apply to these said minor operations and works on grounds of economic efficiency and ensuring value for money.

## **FIRST SCHEDULE**

### **PART 1**

#### **Public authorities**

1. All Government Departments and Offices.
2. All Local Authorities.
3. All Semi-State Bodies.
4. All Competent Authorities under the Water Framework Directive.

### **PART 2**

#### **Public bodies**

1. All Local Authorities.
2. The Commissioners of Public Works in Ireland.
3. Electricity Supply Board.
4. Waterways Ireland.

### **PART 3**

#### **Organisations**

1. All Government Departments and Offices.
2. All Local Authorities.
3. Environmental Protection Agency.
4. Electricity Supply Board.
5. Waterways Ireland.
6. Marine Institute.
7. Met Éireann.
8. Geological Survey of Ireland.

**SECOND SCHEDULE****Annex 1 of Water Framework Directive****Information Required for the List of Competent Authorities**

As required under Article 3(8) of the Water Framework Directive, the Member States shall provide the following information on all Competent Authorities within each of its river basin districts as well as the portion of any international river basin district lying within their territory.

- (i) Name and address of the Competent Authority — the official name and address of the authority identified under Article 3(2) of the Water Framework Directive.
- (ii) Geographical coverage of the river basin district — the names of the main rivers within the river basin district together with a precise description of the boundaries of the river basin district. This information should as far as possible be available for introduction into a geographic information system (GIS) and/or the geographic information system of the Commission (GISCO).
- (iii) Legal status of Competent Authority — a description of the legal status of the Competent Authority and, where relevant, a summary or copy of its statute, founding treaty or equivalent legal document.
- (iv) Responsibilities — a description of the legal and administrative responsibilities of each Competent Authority and of its role within each river basin district.
- (v) Membership — where the Competent Authority acts as a co-ordinating body for other Competent Authorities, a list is required of these bodies together with a summary of the institutional relationships established in order to ensure co-ordination.
- (vi) International relationships — where a river basin district covers the territory of more than one Member State or includes the territory of non-Member States, a summary is required of the institutional relationships established in order to ensure co-ordination.

**THIRD SCHEDULE**

**List of Arterial Drainage Acts**

The Arterial Drainage Acts 1945 to 1995.

The Drainage and Navigation (Ireland) Acts, 1842 to 1857.

The Drainage and Improvement of Lands (Ireland) Acts, 1863 to 1892.

The Arterial Drainage Acts, 1925 and 1929.

## FOURTH SCHEDULE

### Components of flood risk management plans and description of the implementation of the plans:

#### A. Flood risk management plans

##### I. Components of the first flood risk management plans:

1. The conclusions of the preliminary flood risk assessment as required in Chapter II of the Directive in the form of a summary map of the river basin district, or the unit of management referred to in Section 4(2)(a), delineating the areas identified under Section 10(1) which are the subject of this flood risk management plan;
2. Flood hazard maps and flood risk maps as prepared under Section 11, or already in place in accordance with Section 11(9), and the conclusions that can be drawn from those maps;
3. A description of the appropriate objectives of flood risk management, established in accordance with Section 15(2);
4. A summary of the measures and their prioritisation aiming to achieve the appropriate objectives of flood risk management, including the measures taken in accordance with Section 15, and flood related measures taken under other Community Acts, including Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and the Water Framework Directive;
5. When available, for shared river basins or sub-basins, a description of the methodology, defined by the Member States concerned, of cost-benefit analysis used to assess measures with transnational effects.

##### II. Description of the implementation of the plan:

1. A description of the prioritisation and the way in which progress in implementing the plan will be monitored;
2. A summary of the public information and consultation measures/actions taken;
3. A list of Competent Authorities and, as appropriate, a description of the co-ordination process within any international river basin district and of the co-ordination process with the Water Framework Directive.

## FIFTH SCHEDULE

### Components of the subsequent update of flood risk management plans

1. Any changes or updates since the publication of the previous version of the flood risk management plan, including a summary of the reviews carried out in compliance with Section 15(9);
2. An assessment of the progress made towards the achievement of the objectives referred to in Section 15(2);
3. A description of, and an explanation for, any measures foreseen in the earlier version of the flood risk management plan which were planned to be undertaken and have not been taken forward;
4. A description of any additional measures since the publication of the previous version of the flood risk management plan.



GIVEN under the Official Seal of the Minister for Finance,  
15 March 2010.

BRIAN LENIHAN,  
Minister for Finance.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the transposition into Irish national law of the provisions of EU Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 establishing a framework for community action in the field of assessment and management of flood risks. For this purpose the Regulations, inter alia:

- provide for appointment of the Commissioners of Public Works in Ireland as Competent Authority under the Directive,
- require all public authorities and other organisations to take measures appropriate to their functions to promote or achieve implementation of the Directive and these Regulations,
- set out a system to facilitate and encourage the active involvement of all interested parties in the process of implementing the Directive and these Regulations,
- sets out a process for implementing flood risk management plans prepared under the Directive and these Regulations.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
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