

# The way that the FWMA will operate:



Section 23 of the Land Drainage Act 1991 will be amended by the Flood and Water Management Act 2010 to say:-

## 23 Prohibition on obstructions etc. in watercourses

### (1) No person shall:

- a) erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or
- b) erect a culvert in an ordinary watercourse, or
- c) alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, without the consent in writing of the drainage board concerned.

(1a) Consent under this section may be given subject to reasonable conditions.

(1b) An internal drainage board or lead local flood authority must consult the Environment Agency before carrying out work within subsection (1)(a), (b) or (c) if the board or authority is "the drainage board concerned" for the purposes of this section.

(1c) The drainage board concerned must have regard to any guidance issued by the Environment Agency about the exercise of the board's functions under this section.