

## **Somerset Rivers Authority Board Paper**

### **Somerset Rivers Authority Submission to Law Commission about Riparian Responsibilities**

#### **RECOMMENDATIONS**

The Somerset Rivers Authority (SRA) Board is asked to:

1. Review and comment on the draft submission to the Law Commission about Riparian Responsibilities.
2. Approve the sending by the SRA Chair (on behalf of the SRA Board) of an agreed submission to the Law Commission about Riparian Responsibilities.

#### **Purpose**

To encourage the Law Commission to include the subject of riparian responsibilities in its forthcoming 14th Programme of Law Reform.

#### **Background and context**

The Board of Somerset Rivers Authority (SRA), and members of the SRA Joint Scrutiny Panel, have several times discussed how difficult it can be to get people to understand and act upon their riparian responsibilities, in large part because of the confusing and frustrating state of relevant laws. Last year the subject was covered in David Jenkins' *Report of a review of the arrangements for determining responsibility for surface water and drainage assets*, which was published in August by the Department for Environment, Food and Rural Affairs (Defra). At the last SRA Board meeting in March 2021, Mr Jenkins said that following the publication of his report he had been approached by the Law Commission, as it was thought that the subject of riparian responsibilities could perhaps be included in the Commission's forthcoming 14th Programme of Law Reform. The aim of this programme is to improve and develop laws so they are fair, clear and modern. SRA Board members agreed that the SRA should write to the Law Commission to support the idea of riparian responsibilities being part of this programme.

#### **Latest status**

The Law Commission is calling for ideas for its 14th Programme of Law Reform to be submitted through an online consultation form. In the Appendix to this paper, the Commission's questions are reproduced, along with suggested SRA answers in bold. The suggested answers draw upon the work done by Mr Jenkins in his report for Defra, and upon aspects of the SRA's experience over the last few years. Not

every question is replied to, nor do the answers pretend to much lawyerly knowledge. The focus of the SRA's submission is upon the flood risk reduction benefits that could accrue to the people of Somerset.

Responses must be submitted to the Law Commission by 31 July 2021.

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**Date: 14 July 2021**

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