

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. (W.)

LAND DRAINAGE, WALES

The Welsh Regional Flood Defence
Committee (Composition) Order
2006

EXPLANATORY NOTE

(This note is not part of the Order)

Regional flood defence committees are committees of the Environment Agency, established by section 14 of the Environment Act 1995 (“the 1995 Act”).

Section 16A(3) of the 1995 Act allows the National Assembly for Wales (“the Assembly”) to determine the total number of members of a Welsh committee and the method of selection and appointment of the chairperson and other members of the committee (including who is to appoint them).

The Assembly may make such an order under section 16A(3) where the following conditions are met: the whole or the greater part of the committee’s area is in Wales; and no local flood defence scheme is in force in relation to the area of the committee (section 16A(2)).

In relation to a committee whose area is not wholly in Wales, the power to make such an order may be exercised only with the agreement of the Secretary of State and a statutory instrument containing such an order is to be subject to annulment in pursuance of a resolution of either House of Parliament (section 16A(6)).

This Order relates to a committee whose area will be wholly within Wales from 1 April 2006⁽¹⁾ and in relation to which there is no local flood defence

⁽¹⁾ The North-West, Severn-Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005 (S.I. 2005/3047), which comes into force on 1 April 2006, alters the boundary of the area of the Welsh Regional Flood Defence Committee, so as to align it with the area of Wales.

scheme in force⁽¹⁾. Accordingly, it is not subject to the agreement of the Secretary of State or subject to annulment in pursuance of a resolution of either House of Parliament.

Because of the considerations above, article 1 provides that the coming into force of this Order is dependent on the coming into force of the alignment of the committee's area with the area of Wales on 1 April 2006.

Article 2 of the Order provides that the Assembly is to appoint eight members to the committee, including the chairperson; that the Environment Agency is to appoint two members (none of whom may be a member of the Agency); and that local authorities are to appoint a total of eight members (to be appointed by councils acting jointly to appoint one member for each group of local authorities specified in the Schedule). Where a group of councils, acting jointly, is unable to appoint a member, the Assembly may appoint that member on behalf of the councils.

Article 3 provides that the term of office of the first members appointed by the constituent councils under this Order is to run from April, rather than from June as provided for in Schedule 5 to the 1995 Act, and are to run until 31 May 2010. Thereafter, the appointments will run from June

Article 4 revokes the Welsh Regional Flood Defence Committee (Welsh Region) Order 1996 (S.I. 1996/538).

⁽¹⁾ The Welsh Local Flood Defence Scheme 1996 (Revocation) Order 2005 (S.I. 2005/548), which came into force on 1 April 2005, revoked the local flood defence scheme which was in force in relation to the area of this committee.

2006 No. (W.)

LAND DRAINAGE, WALES

**The Welsh Regional Flood Defence
Committee (Composition) Order
2006**

Made

*Coming into force in accordance with article
1(1)*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 16A of the Environment Act 1995⁽¹⁾ makes the following Order:

Title, commencement and interpretation

1.—(1) The title of this Order is the Welsh Regional Flood Defence Committee (Composition) Order 2006 and it comes into force on the coming into force of the 2005 Order⁽²⁾.

(2) In this Order—

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995;

“the 2005 Order” (“*Gorchymyn 2005*”) means the North-West, Severn-Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005⁽³⁾;

“the Agency” (“*yr Asiantaeth*”) means the Environment Agency;

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“the committee” (“*y pwyllgor*”) means the Welsh Regional Flood Defence Committee, being the regional flood defence committee established by section 14 of the 1995 Act and for which the councils for the county boroughs and counties

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- (1) 1995 c.25. Section 16A was inserted by section 67 of the Water Act 2003 (c.37) (Membership of regional flood defence committees in Wales).
- (2) The 2005 Order was made on 24 September 2005, laid before Parliament on 3 November 2005 and comes into force on 1 April 2006.
- (3) S.I.2005/3047.

specified in the Schedule to this Order are the constituent councils.

Composition

2.—(1) The committee consists of the following, none of whom may be a member of the Agency, that is to say—

- (a) a chairperson and seven other members appointed by the Assembly;
- (b) two members appointed by the Agency; and
- (c) one member appointed by or on behalf of each group specified in column 1 of the Schedule, the constituent councils of which are those for the counties and county boroughs specified in column 2 of the Schedule.

(2) The appointments under paragraph (1)(c) are to be made by the councils in each group acting jointly in respect of the member appointed for that group.

(3) Where the councils specified in any group in the Schedule are unable to make an appointment under paragraph (1)(c), the Assembly may appoint a member for that group on behalf of those councils.

(4) In appointing a person to be the chairperson or a member of the committee, the Assembly or, as the case may be, a constituent council must have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee.

Transitional

3. For the purposes of the first appointment made by each group under article 2(1)(c) or on behalf of each group under article 2(3), paragraph (1)(3) of Schedule 5 to the 1995 Act (term of office of members appointed by constituent councils) has effect with these modifications—

- (a) for “June” substitute “April”; and
- (b) for “a term of four years” substitute “a term ending with 31 May 2010”.

Revocation

4. The Regional Flood Defence Committee (Welsh Region) Order 1996(1) is revoked.

(1) S.I. 1996/538 (as amended by S.I. 1996/1007 and S.I. 2005/3047).

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998⁽¹⁾

Date

The Presiding Officer of the National Assembly

⁽¹⁾ 1999 c.38.

THE SCHEDULE (Article 2)

Groups of Constituent Councils to appoint Members

| <i>Group</i> | <i>Constituent Councils</i> |
|--------------|---|
| 1 | Denbighshire, Flintshire and Wrexham |
| 2 | Anglesey, Conwy and Gwynedd |
| 3 | Carmarthenshire, Ceredigion and Pembrokeshire |
| 4 | Vale of Glamorgan and Cardiff |
| 5 | Swansea, Neath Port Talbot and Bridgend |
| 6 | Powys, Monmouthshire and Torfaen |
| 7 | Blaenau Gwent, Caerphilly and Newport |
| 8 | Merthyr Tydfil and Rhondda Cynon Taff |