STATUTORY INSTRUMENTS

2004 No.3163

LAND DRAINAGE, ENGLAND

The Anglian Regional Flood Defence Committee (Abolition) Order 2004

Made - - - -	*30th November 2004*
Laid before Parliament	*3rd December 2004*
Coming into force - -	*1st April 2005*

Whereas, having resolved to exercise the powers conferred upon her by section 14 of and Schedule 4 to the Environment Act 1995(**a**) for the purposes of —

(1) abolishing the regional flood defence committee referred to in article 2 of this Order; and

(2) establishing three new regional flood defence committees for the area of the committee defined in that article ("the New Committees");

the Secretary of State considers that, in relation to the appointment of members of the New Committees by the constituent councils of those committees—

(a) it is inappropriate that the council of any county in relation to which an entry "none" appears in column (2) of the Schedule to this Order should appoint a member of the committee; and

(b) one member of the committee should be appointed jointly by the councils for any county or metropolitan district in relation to which an entry "one jointly" appears in column (2) of the Schedule to this Order;

Now therefore the Secretary of State, having, in accordance with paragraph 2 of Schedule 4 to the Act, consulted such persons or representative bodies as she considered it appropriate to consult, published a notice in compliance with that paragraph and served copies of the notice and a draft of this Order upon every person carrying out functions under any enactment who appeared to her to be concerned, and, in accordance with paragraph 3 of that Schedule, considered any representations or objections duly made with respect to the draft order and not withdrawn, in exercise of the powers conferred upon her by sections 14, 16(8) and 18A of, and paragraphs 1(1)

(**a**) 1995 c.25. Section 18A was inserted into the Act by section 66 of the Water Act 2003 (c.37) and Schedule 4 was amended by s.68 of that Act.

and (3), and 3(2) of Schedule 4 to, the Environment Act 1995(**a**), hereby makes the following Order:

Title commencement and interpretation

1.—(1) This Order may be cited as the Anglian Regional Flood Defence Committee (Abolition) Order 2004 and shall come into force on 1st April 2005.

(2) In this Order —

"the Essex Local Land Drainage District", "the Great Ouse Local Land Drainage District", "the Lincolnshire Local Land Drainage District", "the Norfolk and Suffolk Local Land Drainage District" and "the Welland and Nene Local Land Drainage District" mean the respective local land drainage districts established by the Scheme and subsisting immediately before the coming into force of this Order;

"the Scheme" means the Anglia Water Authority Local Land Drainage Scheme 1974, approved on 21st March 1974 by the Minister of Agriculture, Fisheries and Food acting under paragraph 4(4) of Schedule 5 to the Water Act 1973(**b**), and as varied by—

(a) the Environment Agency Anglian Regional Flood Defence Committee Local Flood Defence (Amendment) Scheme 1996, approved on 30th December 1996 by the said Minister acting under s.17(8) of the Environment Act 1995(**c**);

(b) the Environment Agency Anglian Regional Flood Defence Committee Local Flood Defence (Amendment) Scheme 1997 approved on 23rd December 1997 by the said Minister under the said section; and

(c) the Environment Agency Anglian Regional Flood Defence Committee Local Flood Defence (Amendment) Scheme 1998 approved on 22nd December 1998 by the said Minister under the said section.

Abolition of regional flood defence committee and revocation of local flood defence scheme

2. The Anglian Regional Flood Defence Committee, being a regional flood defence committee established by section 14 of the Environment Act 1995(**d**), is abolished and the Scheme is revoked.

New regional flood defence committees

3. The following three new regional flood defence committees are hereby established —

(**a**) Sections 15(7), 16(9) and paragraph 1(5) of Schedule 4 define "the relevant Minister" and section 56(1) defines "the Minister". By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), the powers conferred by section 14 and Schedule 4 are now exercisable by the Secretary of State in relation to any regional flood defence committee the whole or the greater part of which is not in Wales. By virtue of Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as amended by section 100(5)(b) of the Water Act 2000 (c.37), functions under section 18A were transferred to the National Assembly for Wales in relation to a local flood defence scheme for a district which is in the area of a regional flood defence committee the whole or greater part of which is in Wales.

(**b**) 1973 c.37. The Scheme established, within the area of the Anglia Regional Flood Defence Committee, local flood defence districts and provided for the constitution, membership, functions and procedure of a local flood defence committee in each such district. The Scheme continued in force by virtue of the section 4(1) of the Land Drainage Act 1976(c.70), section 139(2) of the Water Act 1989(c.15), section 2(2) of and paragraph 14(1) of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60) and section 17(2) of the Environment Act 1995.

(**c**) 1995 c.25.

(**d**) The area of the Anglian Regional Flood Defence Committee is that provided for in the Anglian Water Authority Constitution Order 1973 (S.I. 1973/1359), subject to the alteration of boundaries made by the Anglian and Thames Water Authorities (Alteration of Boundaries) Order 1976 (S.I. 1976/307) and the National Rivers Authority (Severn-Trent and Anglian Regional Flood Defence Committees Areas) (Boundaries) Order 1994 (S.I. 1994/245). Section 2 of the Land Drainage Act 1976 (c.70) provided for a regional land drainage committee for the area of every water authority. The continuance of a regional committee for this area is provided for by section 137 of the Water Act 1989 (c.15), section 9 of the Water Resources Act 1991 (c.57) (which provided for a regional flood defence committee for each area for which there was previously a regional land drainage committee) and section 14 of the Environment Act 1995.

(a) the Anglian (Central) Regional Flood Defence Committee, whose area shall comprise the area of the Great Ouse Local Land Drainage District; `

(b) the Anglian (Eastern) Regional Flood Defence Committee, whose area shall comprise the areas of the Essex Local Land Drainage District and the Norfolk and Suffolk Local Land Drainage District; and

(c) the Anglian (Northern) Regional Flood Defence Committee, whose area shall comprise the areas of the Lincolnshire Local Land Drainage District and the Welland and Nene Local Land Drainage District.

The Anglian (Central) Regional Flood Defence Committee

4. The Anglian (Central) Regional Flood Defence Committee shall consist of fifteen members to be appointed as follows –

(a) the Chairman and four other members appointed by the Secretary of State;

(b) two members appointed by the Environment Agency;

(c) eight members appointed by the councils specified in column (1) of Schedule 1 in accordance with the provisions of article 7 of this Order(**a**).

The Anglian (Eastern) Regional Flood Defence Committee

5. The Anglian (Eastern) Regional Flood Defence Committee shall consist of seventeen members to be appointed as follows: –

(a) the Chairman and five other members appointed by the Secretary of State;

(b) two members appointed by the Environment Agency;

(c) nine members appointed by the councils specified in column (1) of Schedule 2 in accordance with the provisions of article 7 of this Order (**b**).

The Anglian (Northern) Regional Flood Defence Committee

6. The Anglian (Northern) Regional Flood Defence Committee shall consist of seventeen members to be appointed as follows: –

(a) the Chairman and five other members appointed by the Secretary of State;

(b) two members appointed by the Environment Agency;

(c) nine members appointed by the councils specified in column (1) of Schedule 3 in accordance with the provisions of article 7 of this Order(**c**).

Appointment of members by constituent councils

7.—(1) In relation to the regional flood defence committees specified in article 3, the number of members to be appointed to the committee in question by the council or councils of any county(**d**) specified in column (1) of any Schedule to this Order shall be the number specified in the corresponding entry in column (2) of that Schedule.

(**a**) In accordance with section 16(7) of the Environment Act 1995 (as applied by paragraph 1(4) of Schedule 4), this Order has been so framed that the total number of members appointed under section 15(1)(a) and (b) of the Act is one less than the number of those appointed by or on behalf of constituent councils. Section 16(1) provides that the Environment Agency may, in accordance with the provisions of that section, from time to time make a determination varying the total number of members of a regional flood defence committee.

(**b**) See footnote (a).

(**c**) See footnote (a).

(**d**) In accordance with regulation 5(6) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867), in relation to an area where there is a district council but no county council, references to a county council include a district council to which county functions have been transferred pursuant to a structural change.

(2) Where more than one county or metropolitan district is specified in any entry in column (1) of any Schedule to this Order, any appointment made to the committee in relation to that entry by the councils for those counties and metropolitan districts shall be made jointly.

Saving

8. Articles 4 to 7 shall have effect subject to section 16 of the Environment Act 1995 (change of composition of regional flood defence committee)

Revocation

9. The Anglian Regional Flood Defence Committee Order 1998(**a**) is revoked.

Elliot Morley
Minister of State,
30th November 2004 Department for Environment, Food and Rural Affairs

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(**a**) S.I. 1998/1636.

SCHEDULE 1

Articles 4 and 7

Number of members of the Anglian (Central) Regional Flood Defence Committee to be appointed by each constituent council or group of councils

(1)	*(2)*
Counties	*Number of Members*
Bedfordshire	Two
Buckinghamshire, Hertfordshire, Northamptonshire	One jointly
Cambridgeshire	Two
Essex, Suffolk	One jointly
Milton Keynes	One
Norfolk	One
Oxfordshire	None

SCHEDULE 2

Article 5 and 7

Number of members of the Anglian (Eastern) Regional Flood Defence Committee to be appointed by each constituent council or group of councils

(1)	*(2)*
Counties	*Number of Members*
Cambridgeshire	None
Essex	Four
Havering	None

Norfolk	Two
Suffolk	Two
Southend, Thurrock	One jointly

SCHEDULE 3

Article 6 and 7

Number of members of the Anglian (Northern) Regional Flood Defence Committee to be appointed by each constituent council or group of councils

(1)	*(2)*
Counties	*Number of Members*
Bedfordshire	None
Cambridgeshire, Peterborough, Rutland	One jointly
Leicestershire, Lincolnshire	One jointly
Lincolnshire	Three
Norfolk	None
Northamptonshire	Three
North Lincolnshire, North East Lincolnshire	One jointly
Nottinghamshire	None

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the Anglian Regional Flood Defence Committee, and the five local flood defence districts within its area. It establishes in its place three new regional flood defence committees, namely: –

(i) the Anglian (Central) Regional Flood Defence Committee;

(ii) the Anglian (Eastern) Regional Flood Defence Committee; and

(iii) the Anglian (Northern) Regional Flood Defence Committee.

The Order sets out the area and arrangements for the appointment of members to each of the new regional flood defence committees. In the case of members appointed by constituent councils it specifies how many members shall be appointed by each council or group of councils.

Regional flood defence committees were established by section 14 of the Environment Act 1995.

No Regulatory Impact Assessment has been prepared in respect of this Order.

STATUTORY INSTRUMENTS

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LAND DRAINAGE, ENGLAND

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