STATUTORY INSTRUMENTS

2004 No.3165

LAND DRAINAGE, ENGLAND

The Southern Regional Flood Defence Committee Order 2004

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

Whereas the Secretary of State, having resolved to exercise the powers conferred upon her by section 18A(1),(2) and (3) of the Environment Act 1995 ("the Act")(**a**) for the purpose of —

(1) revoking the Scheme defined in article 1(2) of this Order;

(2) altering the total number of members of the committee defined in that article; and

(3) altering the number of members of the committee to be appointed by the constituent councils of that committee;

considers—

(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) that one member of that 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3 of that Schedule, considered any representations or objections duly made with respect to the draft order and not withdrawn, in exercise of the powers conferred upon her by section 16(8) and 18A of, and paragraph 3(2) of Schedule 4 to, the Environment Act 1995(**b**), hereby makes the following Order:

(**a**) 1995 c.25. Section 18A was inserted into the Act by section 66 of the Water Act 2003 (c.37).

(**b**) Sections 15(7) and 16(9) 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 power under section 16(5) is now exercisable by the Secretary of State in relation to any regional flood defence committee the whole or the greater part of which is in England.

Title commencement and interpretation

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

(2) In this Order–

"the committee" means the Southern Regional Flood Defence Committee, being the regional flood defence committee established by section 14 of the Environment Act 1995 for which the councils for the counties and London boroughs specified in the Schedule to this Order are the constituent councils; and

"the Scheme" means the Southern Water Authority Local Land Drainage Scheme 1974, approved on 8th February 1974 by the Minister of Agriculture, Fisheries and Food acting under paragraph 4(4) of Schedule 5 to the Water Act 1973(**a**), and as varied by–

(a) the National Rivers Authority (Southern Region) Local Flood Defence (Amendment) Scheme 1993, approved on 17th June 1993 by the said Minister acting under section 12(4) of the Water Resources Act 1991(**b**);

(b) the Environment Agency Southern Regional Flood Defence Committee Local Flood Defence (Amendment) Scheme 1997, approved on 29th August 1997 by the said Minister under section 17(8) of the Environment Act 1995(**c**); and

(c) the Environment Agency Southern Regional Flood Defence Committee Local Flood Defence (Amendment) Scheme 1998, approved on 8th April 1998 by the said Minister under section 17(8) of the said Act.

Revocation of local flood defence scheme

2. The Scheme is revoked.

The total number of members of the regional flood defence committee

3. The total number of members of the committee shall be increased from seventeen to nineteen(**d**).

Number of members of the committee to be appointed by each constituent council

4.—(1) The number of members to be appointed to the committee by the council or councils of any county(**e**) or London borough specified in column (1) of the Schedule to this Order shall be the number specified in the corresponding entry in column (2) of that Schedule.

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

(**a**) 1973 c.37. The Scheme established, within the area of what is now the Southern Regional Flood Defence Committee, local land drainage districts and provided for the constitution, membership, functions and procedure of a local land drainage 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) (by virtue of which local land drainage schemes had effect as local flood defence schemes), 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. 25).

(**b**) 1991 c.57.

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

(**d**) Section 15(1) of the Environment Act 1995 provides that that each regional flood defence committee shall consist of a chairman and a number of other members appointed by the relevant Minister; two members appointed by the Agency; and a number of members appointed by or on behalf of the constituent councils. Section 16(7) of that Act requires that the total number of members appointed by or on behalf of constituent councils exceeds by one the number of other members.

(**e**) 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.

Revocation

5. The Southern Regional Flood Defence Committee Order 1998(**a**) is revoked.

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

(**a**) S.I. 1998/1639.

SCHEDULE

Article 4

NUMBER OF MEMBERS OF COMMITTEE TO BE APPOINTED BY EACH CONSTITUENT COUNCIL OR GROUP OF COUNCILS

(1)	*(2)*
Counties	*Number of Members(**a**)*
Berkshire	None
Brighton and Hove, West Sussex	One jointly
East Sussex	One
Hampshire	Two
Isle of Wight, Portsmouth, Southampton	One jointly
Kent	Three
The London Boroughs of Bexley, Bromley and Greenwich; and Medway Towns	One jointly
Surrey	None
West Sussex	One
Wiltshire	None

(**a**) In accordance with section 16(7) of the Environment Act 1995 (as applied by section 18A(3)), 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Southern Local Flood Defence Scheme 1974 ("the Scheme").

The Scheme (as amended) established the following Local Flood Defence Districts ("the Districts") within the area of the regional flood defence committee known as the Southern Regional Flood Defence Committee ("the Regional Committee"):

(a) the Kent Local Flood Defence District

(b) the Sussex Local Flood Defence District

(c) the Hampshire and Isle of Wight Local Flood Defence District.

Paragraph 3 of the Scheme determines the area of each of these districts. Paragraphs 4 to 7 of the Scheme provide respectively for the constitution, membership, functions and procedure of a local flood defence committee in each such district.

The powers of the Regional Committee are unaffected by the revocation of the Scheme.

Article 3 of the Order also makes consequential changes to the total number of members of the Regional Committee. Article 4 makes provision for the number of these members to be appointed by each constituent council or group of councils.

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

The previous Order (S.I. 1998/1639) specifying the number of members to be appointed by each constituent council or group of councils is revoked.

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

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The Southern Regional Flood Defence Committee Order 2004

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