



# Water Act 2003

## 2003 CHAPTER 37

### PART 3

#### MISCELLANEOUS

##### *Land drainage and flood defence*

#### **66 Revocation of local flood defence schemes**

- (1) The Environment Act 1995 (c. 25) is amended as follows.
- (2) After section 18 there is inserted—

##### **“18A Power to revoke local flood defence schemes**

- (1) The Secretary of State may by order made by statutory instrument revoke any local flood defence scheme.
- (2) The power to make an order under this section shall include power to make such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (3) The provision which may be made under subsection (2) above includes provision altering—
  - (a) the total number of members of the regional flood defence committee in whose area the local flood defence district created by the scheme was situated; and
  - (b) the total number of such members to be appointed by the constituent councils of that committee,

and subsections (7) and (8) of section 16 of this Act shall apply in relation to so much of an order under this section as is made by virtue of this subsection as they apply in relation to an order under subsection (5) of that section.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Paragraphs 2 to 6 of Schedule 4 to this Act, apart from paragraph 3(3), apply in relation to an order under this section as they apply in relation to an order under that Schedule, reading references there to the relevant Minister as references to the Secretary of State.”
- (3) In section 17 (local flood defence schemes, etc), in subsection (3), for “section 18” there is substituted “sections 18 and 18A”.

## **67 Membership of regional flood defence committees in Wales**

After section 16 of the Environment Act 1995 there is inserted—

### **“16A Power to alter composition of regional flood defence committees in Wales**

- (1) This section applies in relation to any regional flood defence committee which satisfies (or, upon the coming into force of an order made under Schedule 4 to this Act, will satisfy) both of the conditions in subsection (2) below (a “Welsh committee”).
- (2) The conditions are—
- (a) the whole or the greater part of the committee’s area is in Wales; and
  - (b) no local flood defence scheme is in force in relation to the area of the committee.
- (3) The National Assembly for Wales may by order made by statutory instrument make provision determining—
- (a) the total number of members of a Welsh committee; and
  - (b) the method of selection and appointment of the chairman and other members of the committee (including who is to appoint them).
- (4) An order under subsection (3) above may—
- (a) apply either to Welsh committees generally or to a particular Welsh committee;
  - (b) include such supplemental, consequential and transitional provision as the National Assembly for Wales considers appropriate.
- (5) In relation to a Welsh committee whose area is not wholly in Wales—
- (a) the power to make an order under subsection (3) above may be exercised only with the agreement of the Secretary of State; and
  - (b) a statutory instrument containing an order under that subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order under subsection (3) above shall not be considered local in nature for the purposes of section 58(6) of the Government of Wales Act 1998 (definition of “Assembly general subordinate legislation”).
- (7) Section 15 above (or, where the order is being made in conjunction with an order under Schedule 4 to this Act, that Schedule) shall not apply for the purposes of making an order under subsection (3) above.

### **16B Effect of order under section 16A**

- (1) Sections 15 and 16 above and section 18A(3) below shall not apply to a regional flood defence committee in respect of which an order under section 16A above is in force.
- (2) In relation to any such committee, section 18 below shall have effect as if—
  - (a) paragraph (b) of subsection (4) read “other members appointed in accordance with and subject to the terms of the local flood defence scheme”; and
  - (b) paragraph (c) of subsection (4), and subsection (5), were omitted.
- (3) In relation to any such committee whose membership does not include any member appointed by or on behalf of a constituent council, Schedule 5 to this Act shall have effect as if—
  - (a) in paragraph 1(1), the words “other than those appointed by or on behalf of one or more constituent councils” were omitted;
  - (b) sub-paragraphs (2), (3) and (4) of paragraph 1 were omitted; and
  - (c) paragraphs 2 and 9 were omitted.”

### **68 Regional flood defence committees**

- (1) Paragraph 1 of Schedule 4 to the Environment Act 1995 (c. 25) (which confers power to alter the areas of regional flood defence committees) is amended as follows.
- (2) In sub-paragraph (1)—
  - (a) the “or” at the end of paragraph (a) is omitted, and
  - (b) after paragraph (b) there is inserted—
    - “(c) establish a new regional flood defence committee for such area as may be specified in the order (other than by providing for the amalgamation of the area of any two or more such committees); or
    - (d) abolish a regional flood defence committee.”
- (3) In sub-paragraph (4)—
  - (a) after “committees” there is inserted “or otherwise establishing a new regional flood defence committee”,
  - (b) in paragraph (a), after “amalgamated” there is inserted “or new”.
- (4) In sub-paragraph (5), the “and” at the end of paragraph (b) is omitted, and after that paragraph there is inserted—
  - “(ba) in relation to the establishment or abolition of a regional flood defence committee for an area the whole of which is in Wales, the National Assembly for Wales;
  - (bb) in relation to the establishment or abolition of a regional flood defence committee for an area any part (but not the whole) of which is in Wales, the Secretary of State and the National Assembly for Wales acting jointly; and”.

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*Status: This is the original version (as it was originally enacted).*

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## **69 Grants for drainage works and flood warning systems**

(1) Sections 147 to 149 of the WRA (which relate to grants for drainage works and flood warning systems) shall cease to have effect.

(2) For subsection (4) of section 165 of the WRA (general powers to carry out flood defence and drainage works) there is substituted—

“(4) The Agency may by agreement with any person carry out, improve or maintain, at that person’s expense, any drainage works which that person is entitled to carry out, improve or maintain; but for the purposes of this subsection the expense to be borne by that person shall not include such part (if any) of the amount of any grant made under section 47 of the Environment Act 1995 (grants to the new Agencies) as the Agency decides (subject to any terms on which the grant is made) to allocate for the works in question.”

(3) For subsection (4) of section 166 of the WRA (power to carry out works for purpose of providing flood warning system) there is substituted—

“(4) In this section—

“flood warning system” means any system whereby, for the purpose of providing warning of any danger of flooding, information with respect to—

- (a) rainfall, as measured at a particular place within a particular period; or
- (b) the level or flow of any inland water, or part of an inland water, at a particular time; or
- (c) other matters appearing to the Agency to be relevant for that purpose,

is obtained and transmitted, whether automatically or otherwise, with or without provision for carrying out calculations based on such information and for transmitting the results of those calculations;

“inland water” means any of the following in any part of Great Britain, that is to say—

- (a) any river, stream or other watercourse, whether natural or artificial and whether tidal or not;
- (b) any lake or pond, whether natural or artificial, and any reservoir or dock; and
- (c) any channel, creek, bay, estuary or arm of the sea;

“rainfall” includes any fall of snow, hail or sleet.”

(4) In the definition of “flood defence provisions” in subsection (1) of section 221 of the WRA (general interpretation), in paragraph (a)(ii), the words “147 to 149,” are omitted.