



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Land drainage and flood defence

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;

Status: This is the original version (as it was originally enacted).

- (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.”