

1990 No. 1647

**LAND DRAINAGE**

**The Wessex Regional Flood Defence Committee  
Order 1990**

*Made* - - - - *13th July 1990*  
*Coming into force* *1st August 1990*

Whereas—

(1) the National Rivers Authority (hereinafter referred to as “the Authority”) in accordance with section 138(3) of the Water Act 1989<sup>(a)</sup> (hereinafter referred to as “the 1989 Act”) have submitted to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as “the Minister”) a determination varying the total number of members of the Wessex Regional Flood Defence Committee (hereinafter referred to as “the committee”) from 13 to 15;

(2) in accordance with section 138(6) of the 1989 Act the total number of members of the committee to be appointed under section 137(3)(a) and (b) of that Act shall be one less than the number appointed by or on behalf of constituent councils;

(3) the constituent councils for the committee are the councils of the counties specified in the first column of the Schedule to this Order;

(4) the Minister, in accordance with section 138(7) of the 1989 Act, having had regard to the relevant populations of the relevant areas of each of those constituent councils and the proportion which those populations bear to the aggregate of the relevant populations of the relevant areas of all the constituent councils, considers—

- (a) it is inappropriate that the councils of the counties of Devon, Gloucestershire and Hampshire (being three of the said constituent councils) should appoint a member of the committee,
- (b) that one member of the committee should be appointed by the council of the county of Wiltshire,
- (c) that two members of the committee should be appointed by each of the councils of the counties of Dorset and Somerset,
- (d) that three members of the committee should be appointed by the council of the county of Avon;

Now, therefore, the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 138(4), (5), (6) and (7) of the 1989 Act<sup>(b)</sup> and of every other power enabling him in that behalf, hereby makes the following Order:—

**Title and commencement**

1. This Order may be cited as the Wessex Regional Flood Defence Committee Order 1990 and shall come into force on 1st August 1990.

**Constituent councils' appointments of committee members**

2.—(1) The number of members to be appointed to the committee by or on behalf of constituent councils for the committee shall be eight.

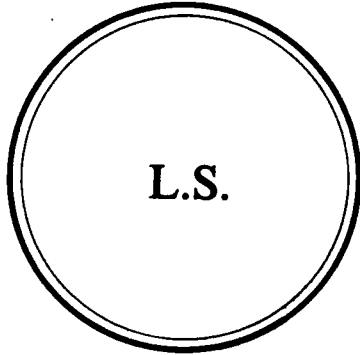
---

<sup>(a)</sup> 1989 c.15.

<sup>(b)</sup> Section 137(11)(b) defines “the appropriate Minister” on whom these powers are conferred, and section 189(1) defines “the Minister”.

(2) The number of members of the committee to be appointed by each of the councils of the counties specified in the first column of the Schedule to this Order shall be the number specified in relation to that county in the second column of that Schedule.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th July 1990.



*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

---

**SCHEDULE**

Article 2

---

<i>County</i>	<i>Number of Members</i>
Avon	3
Devon	None
Dorset	2
Gloucestershire	None
Hampshire	None
Somerset	2
Wiltshire	1

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

By virtue of section 138(5) of the Water Act 1989 ("the Act"), the Minister of Agriculture, Fisheries and Food (in relation to regional flood defence committees in England) must specify the number of members to be appointed to a regional flood defence committee by each of the constituent councils for the committee where (*inter alia*) the total number of members of the Committee is varied.

In determining the number of members to be appointed by or on behalf of each constituent council, the Minister is required by section 138(7) of the Act to have regard to the relevant population of any relevant area of that council and the proportion which that population bears to the aggregate of the relevant populations of the relevant areas of all the constituent councils and where, having regard thereto, the Minister considers it inappropriate that a constituent council should appoint a member of the committee, he may by the Order so provide. Section 138(9) of the Act defines "relevant area" and "relevant proportion".

The National Rivers Authority has determined that the total number of the members of their Wessex Regional Flood Defence Committee should be increased from 13 to 15. This Order specifies the number of members to be appointed by each of the constituent councils for that Committee, and varies the previous specification by providing for an additional seat for the Somerset County Council.

These arrangements replace the previous arrangements originally made in the Wessex Water Authority (Regional Land Drainage Committee) Order 1973 (S.I. 1973/1925) in relation to the predecessor of the Wessex Regional Flood Defence Committee. That order ceased to have effect on the repeal of Schedule 5 to the Water Act 1973 (c.37) by the Land Drainage Act 1976 (c.70), but its specification of the number of members to be appointed by constituent councils was continued by section 3(3) of the Land Drainage Act 1976 and, in relation to the Wessex Regional Flood Defence Committee, by section 138(1)(b) of the Water Act 1989.