

EXPLANATORY MEMORANDUM TO
THE NORFOLK AND SUFFOLK BROADS ACT 1988 (ALTERATION OF
CONSTITUTION OF THE BROADS AUTHORITY) ORDER 2005

2005 No.1067

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Instrument will reduce from 35 to 21 the number of Members on the Broads Authority

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Broads Authority was created by the Norfolk and Suffolk Broads Act 1988. Section 1 (3) specifies the membership of the Authority, totalling 35 members. Ordinarily, therefore, changes in membership require an amendment to the primary legislation.

4.2 However Section 7 of the same Act allows the Secretary of State to alter the constitution by Order if she is implementing a written proposal for change made to her by the Authority. Such a proposal needs to be voted for by at least three-quarters of the members of the Authority at a special meeting : this happened on 13 February 2004.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister for Rural Affairs and Local Environmental Quality has made the following statement regarding Human Rights:

In my view the provisions of the Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005 are compatible with the Convention rights .

7. Policy background

7.1 The Broads Authority was reviewed by Defra during 2003 and this suggested reducing the number of members. In the light of that Review (and against the background of reductions in the board sizes of most English National Park Authorities, to which the Broads Authority is analogous) the Authority came forward with its proposal to reduce to 21.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is negligible. (There may be a very small extra cost to the Countryside Agency and Defra in having to make one extra Secretary of State appointment, offset by a saving to the Broads Authority in paying allowances and expenses to fewer members).

9. Contact

John Kilner at Defra Tel: 0117 372 [GTN 1371] 8877 or e-mail: john.kilner@defra.gsi.gov.uk can answer any queries regarding the instrument.