

2005 No. 3047

LAND DRAINAGE, ENGLAND AND WALES

**The North-West, Severn-Trent and Welsh Regional Flood
Defence Committees (Boundaries Alteration) Order 2005**

Made - - - - - *24th September 2005*

Laid before Parliament *3rd November 2005*

Coming into force - - - *1st April 2006*

The Secretary of State and the National Assembly for Wales, having, in accordance with paragraph 2 of Schedule 4 to the Environment Act 1995, consulted such persons or representative bodies as they consider it appropriate to consult, published a notice in compliance with that paragraph and served copies of the notice and a draft of this Order on every person carrying out functions under any enactment who appeared to them 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3 of that Schedule, considered any representations or objections duly made with respect to the draft order and not withdrawn, in exercise of the powers conferred on them by section 14 of, and paragraph 1, sub-paragraphs (1) and (3), of Schedule 4 to, the Environment Act 1995(a), hereby make the following Order:

Title, commencement, extent and interpretation

1.—(1) This Order may be cited as The North-West, Severn-Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005 and shall come into force on 1st April 2006.

(2) This Order extends to England and Wales only.

(3) In this Order—

“main river map” means a main river map that the Agency is required to keep under section 193 of the Water Resources Act 1991(b);

“the North-West committee” means the North-West 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 metropolitan districts specified in the Schedule to the North-West Regional Flood Defence Committee Order 1998(c) are the constituent councils;

(a) 1995 c.25. The relevant Minister may by order made by statutory instrument alter the boundaries of the area of any regional flood defence committee. The relevant Minister, in relation to any alteration of the boundaries of an area where the whole or any part of that area is in Wales, means “the Ministers” (para (1)(5)(a) of Schedule 4). “The Ministers” means the Secretary of State and the Minister of Agriculture, Fisheries and Food (section 56(1)). The functions of the Secretary of State under Schedule 4 are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) 1991 c.57.

(c) S.I. 1998/1637.

“the Severn-Trent committee” means the Severn-Trent 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 metropolitan districts specified in the Schedule to the Severn-Trent Regional Flood Defence Committee Order 1998(a) are the constituent councils; and

“the Welsh committee” means the Welsh 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 county boroughs and counties specified in the Schedule to the Regional Flood Defence Committee (Welsh Region) Order 1996(b) are the constituent councils.

(4) In this Order a group of two letters and eight figures identifying any point represents the map co-ordinates of that point estimated to the nearest ten metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.

(5) The map by reference to which tidal waters are included within the area of the Welsh Committee by virtue of article 2(1) below is generated from the Ordnance Survey Map 1/25,000 scale digital map data, version October 2004.

Alteration of boundaries

2.—(1) The boundary of the area of the Welsh committee shall be altered so as to align the area of that committee with the area of Wales, save that there shall be retained within the area of that committee the following waters, in so far as they are below low-water mark—

- (a) tidal waters adjoining the mouth of the River Tawe to landward of a line drawn between point SS 66549170 and point SS 66669148;
- (b) tidal waters to landward of a line drawn between point ST 12626661 and point ST 12536654 at the entrance to Barry Docks; and
- (c) tidal waters adjoining the mouth of the River Avan to landward of a line drawn between point SS 74578875 and point SS 74488852.

(2) The boundary of the area of the Severn-Trent committee shall be altered so as to exclude from the area of that committee any part of Wales and to include in the area of that committee any part of Herefordshire, Worcestershire or Gloucestershire that is no longer within the area of the Welsh committee by virtue of paragraph (1).

(3) The boundary of the area of the North-West committee shall be altered so as to include within the area of that committee any part of Cheshire, Shropshire or Wirral that is no longer within the area of the Welsh committee by virtue of paragraph (1).

Appointment of members to the Welsh committee

3.—(1) The Regional Flood Defence Committee (Welsh Region) Order 1996 shall be amended as follows—

- (a) in article 2(2), for “eleven” substitute “nine”;
- (b) in the column in the Schedule headed “Constituent Councils”, delete “Cheshire; Wirral; Shropshire” and “Hereford and Worcester; Gloucestershire”; and
- (c) in the column in the Schedule headed “Number of Members”, delete the figure “1” corresponding to the entries deleted by sub-paragraph (b).

(2) The total number of members of the Welsh committee shall be seventeen.

(a) S.I. 1998/1638.

(b) S.I. 1996/538 (as amended by S.I. 1996/1007). The Order was made under section 11(4) and (5) of the Water Resources Act 1991 (1991 c.57). These powers were repealed and re-enacted by the Environment Act 1995 (section 120; Schedule 22, paragraph 129, and Schedule 24; and section 16).

Signed on behalf of the National Assembly for Wales,

20th September 2005

D.Elis-Thomas
The Presiding Officer of the National Assembly

24th September 2005

Elliot Morley
Minister of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made jointly by the Secretary of State and National Assembly for Wales under section 14 of, and paragraph 1, sub-paragraphs (1) and (3), of Schedule 4 to, the Environment Act 1995.

The area of the Welsh Regional Flood Defence Committee (“Welsh RFDC”) (being a committee established under section 14 of the Environment Act 1995) currently includes parts of England and excludes parts of Wales. Article 2 of the Order alters the boundary of the Welsh RFDC so as to align its area with the area of Wales but retains within the area of the Committee three tidal waters in so far as they are below low-water mark. Article 2 alters the boundaries of the neighbouring Severn-Trent Regional Flood Defence Committee (“Severn-Trent RFDC”) and North-West Regional Flood Defence Committee (“North-West RFDC”). The effect of the article is to include within the area of the Welsh RFDC parts of Wales that were previously outside its area and to include within the Severn-Trent RFDC and North-West RFDC parts of England that were previously within the area of the Welsh RFDC.

Article 3 amends the composition of the Welsh RFDC, by removing the representatives of those parts of England that were previously within the area of that committee. In order to comply with section 16(7) of the Environment Act 1995 (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), the total numbers of members to the Welsh RFDC is reduced from twenty one to seventeen.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

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E1555 11/2005 151555T 19585