
STATUTORY INSTRUMENTS

2011 No. 695

**The Regional Flood and Coastal Committees
(England and Wales) Regulations 2011**

PART 7

Transitional provisions

Definitions

30. In this Part—

“constituent councils” has the meaning given in section 15(6) of the 1995 Act;

“new Committee” means a Regional Flood and Coastal Committee established following the first division of England and Wales into regions for the purposes of section 22 of the 2010 Act;

“old Committee” has the meaning given in regulation 31; and

“specified area” means—

- (a) in relation to a regional flood defence committee established under section 14 of the 1995 Act, the area of that committee as varied by any order under Schedule 4 to the 1995 Act, or
- (b) in relation to a regional flood defence committee established by order under that Schedule, the area specified in that order as amended by any subsequent order under that Schedule.

Transitional Committees

31.—(1) On the coming into force of these Regulations, a regional flood defence committee established under the 1995 Act for a specified area and in existence on 31st March 2011 (“old Committee”) continues in existence as if it were established as a Regional Flood and Coastal Committee for a region covering the same area (“transitional Committee”).

(2) Subject to regulation 35 (Isles of Scilly)—

- (a) the specified area of an old Committee is taken to be the region of the transitional Committee; and
- (b) the constituent councils of an old Committee are taken to be the constituent authorities of the transitional Committee.

(3) Despite the requirement under section 23(1) of the 2010 Act to consult a Regional Flood and Coastal Committee, the Agency may exercise its flood and coastal erosion risk management functions in the region of a transitional Committee before 1st July 2011 without consulting the transitional Committee.

(4) A transitional Committee may consent to the implementation of the regional programme for its region under section 23(2) of the 2010 Act, but the Agency may implement the regional programme before 1st July 2011 without that consent.

(5) If the requirement for an old Committee to give special consent to the issue of a levy under regulations made under section 74 of the Local Government Finance Act 1988(1) for its specified area for the financial year beginning with 1st April 2011 is not given by that date, that requirement is satisfied if the transitional Committee consents to the issue of a levy for its region for that financial year.

(6) A transitional Committee may consent to the spending of revenue under section 118 of the 1991 Act in its region in the financial year beginning with 1st April 2011.

Continuation of terms for members of transitional Committees

32.—(1) The members and chair of an old Committee are taken to be the members and chair of the transitional Committee.

(2) The terms of appointment of a member of an old Committee continue to have effect for so long as the member holds office in the transitional Committee.

(3) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay remuneration and allowances to a person who, immediately before the coming into force of these Regulations was the chair of an old Committee, continues for so long as the person is the chair of the transitional Committee.

(4) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay allowances to a person who, immediately before the coming into force of these Regulations was a member of an old Committee, continues for so long as the person is a member of the transitional Committee.

(5) For the purpose of calculating the period of office under regulation 17, the date a person was appointed as a member or chair of an old Committee is taken to be the date of appointment to the transitional Committee.

Continued existence of transitional Committees

33. A transitional Committee continues in existence until a new Committee is established for the region of the transitional Committee or for any part of that region.

Continuation of terms for members of new Committees

34. If a person who was originally appointed as a member or chair of an old Committee continued as a member or chair of a transitional Committee and is appointed as a member or chair of a new Committee—

- (a) the terms of appointment of the person as a member or chair of the old Committee continue to have effect for so long as the person holds office in the new Committee;
- (b) any arrangement under the 1995 Act for payment of the member continues for so long as the person holds office in the new Committee; and
- (c) for the purpose of calculating the period of office under regulation 17, the date the person was appointed as a member or chair of the old Committee is taken to be the date of appointment to the new Committee.

(1) See the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61). “Special consent” has the meaning given in section 46(7) of the Land Drainage Act 1976 (c. 70). Sections 45 to 47 of that Act were repealed by section 3 of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (1991 c. 60) but, by virtue of paragraph 2(5) of Part 1 of Schedule 2 to that Act, their repeal does not affect the operation of those sections so far as they have effect under any subordinate legislation made under the Local Government Finance Act 1988 (c. 41) and section 149 of the Local Government and Housing Act 1989 (c. 42) for the purpose of or in connection with the issue of levies by the Environment Agency. Sections 46 and 47 of the Land Drainage Act 1976 (c. 70) have effect under the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61).

Isles of Scilly

35.—(1) On the coming into force of these Regulations—

- (a) the Isles of Scilly form part of the region of the transitional Committee of which the County of Cornwall is a constituent authority; and
- (b) the Council of the Isles of Scilly is taken to be a constituent authority of that transitional Committee.

(2) But that transitional Committee may not consent to the spending of revenue under section 118 of the 1991 Act in the Isles of Scilly in the financial year beginning with 1st April 2011.

(3) The inclusion of the Council of the Isles of Scilly as a constituent authority of a transitional Committee by virtue of regulation 35(1)(b) does not alter the number of members of that transitional Committee.

(4) Before 1st December 2011, the Agency must establish a Regional Flood and Coastal Committee that includes the Council of the Isles of Scilly as a constituent authority.