



# Water Resources Act 1991

## 1991 CHAPTER 57

### PART I **E+W+S**

#### PRELIMINARY

### CHAPTER II **E+W**

#### COMMITTEES WITH FUNCTIONS IN RELATION TO THE AUTHORITY

##### *Advisory committees*

#### **6 The advisory committee for Wales. **E+W****

- (1) The Secretary of State shall continue to maintain the committee established under section 3 of the <sup>M1</sup>Water Act 1989 for advising him with respect to matters affecting or otherwise connected with the carrying out in Wales of the Authority's functions.
- (2) The committee maintained under this section shall consist of such persons as may, from time to time, be appointed by the Secretary of State.
- (3) The committee maintained under this section shall meet at least once a year.
- (4) The Secretary of State shall pay to the members of the committee maintained under this section such sums reimbursing them for loss of remuneration, for travelling expenses and for other out-of-pocket expenses as he may, with the consent of the Treasury, determine.

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#### **Marginal Citations**

**M1** 1989 c. 15.

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*Changes to legislation: There are currently no known outstanding effects for the Water Resources Act 1991, CHAPTER II. (See end of Document for details)*

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## 7 **Regional rivers advisory committees.** **E+W**

- (1) It shall be the duty of the Authority—
- (a) to establish and maintain advisory committees, consisting of persons who are not members of the Authority, for the different regions of England and Wales;
  - (b) to consult the advisory committee for any region as to any proposals of the Authority relating generally to the manner in which the Authority carries out its functions in that region; and
  - (c) to consider any representations made to it by the advisory committee for any region (whether in response to consultation under paragraph (b) above or otherwise) as to the manner in which the Authority carries out its functions in that region.
- (2) The duty to establish and maintain advisory committees imposed by subsection (1) above is a duty—
- (a) to establish and maintain an advisory committee for each area which the Authority considers it appropriate for the time being to regard as a region of England and Wales for the purposes of this section; and
  - (b) to ensure that the persons appointed by the Authority to each such committee are persons who appear to the Authority to have an interest in matters likely to be affected by the manner in which the Authority carries out any of its functions in the region in question;
- and it shall be the duty of the Authority in determining the regions for which advisory committees are established and maintained under this section to ensure that one of those regions consists wholly or mainly of, or of most of, Wales.
- (3) There shall be paid by the Authority—
- (a) to the chairman of an advisory committee established and maintained under this section such remuneration and such travelling and other allowances; and
  - (b) to any other members of that committee such sums reimbursing them for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,
- as may, with the consent of the Treasury, be determined by the Secretary of State.
- (4) For the purposes of this section functions of the Authority which are carried out in any area of Scotland or of the territorial sea which is adjacent to any region for which an advisory committee is maintained shall be regarded as carried out in that region.

## 8 **Regional and local fisheries advisory committees.** **E+W**

- (1) It shall be the duty of the Authority—
- (a) to establish and maintain advisory committees of persons who are not members of the Authority but appear to it to be interested in salmon fisheries, trout fisheries, freshwater fisheries or eel fisheries in the different parts of the controlled area; and
  - (b) to consult those committees as to the manner in which the Authority is to perform its duty under section 114 below.
- (2) The duty to establish and maintain advisory committees imposed by subsection (1) above is a duty to establish and maintain—

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- (a) a regional advisory committee for each such region of the controlled area as the Authority considers it appropriate for the time being to regard as a region of that area for the purposes of this section; and
- (b) such local advisory committees as the Authority considers necessary to represent the interests referred to in paragraph (a) of that subsection in the different parts of each such region;

and it shall be the duty of the Authority in determining the regions for which regional advisory committees are established and maintained under this section to ensure that one of those regions consists (apart from territorial waters) wholly or mainly of, or of most of, Wales.

- (3) There shall be paid by the Authority—
  - (a) to the chairman of an advisory committee established and maintained under this section such remuneration and such travelling and other allowances; and
  - (b) to any other members of that committee such sums reimbursing them for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,
 as may, with the consent of the Treasury, be determined by one of the Ministers.
- (4) In this section “the controlled area” means the area specified in section 2(6) above in respect of which the Authority carries out functions under Part V of this Act.

#### *Flood defence committees*

### 9 **Continuance of regional flood defence committees.** E+W

- (1) There shall continue to be committees, known as regional flood defence committees, for the purpose of carrying out the functions which fall to be carried out by such committees by virtue of this Act.
- (2) Subject to Schedule 3 to this Act (which makes provision for the alteration of the boundaries of and the amalgamation of the areas of regional flood defence committees)
  - (a) each regional flood defence committee shall have the same area as immediately before the coming into force of this section; but
  - (b) where under section 165(2) or (3) below any function of the Authority falls to be carried out at a place beyond the seaward boundaries of the area of any regional flood defence committee, that place shall be assumed for the purposes of this Act to be within the area of the regional flood defence committee to whose area the area of sea where that place is situated is adjacent.
- (3) The Authority shall maintain a principal office for the area of each regional flood defence committee.

### 10 **Composition of regional flood defence committees.** E+W

- (1) Subject to subsection (2) below, a regional flood defence committee shall consist of the following, none of whom shall be a member of the Authority, that is to say—
  - (a) a chairman and a number of other members appointed by the relevant Minister;
  - (b) two members appointed by the Authority;

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- (c) a number of members appointed by or on behalf of the constituent councils.
- (2) Subject to section 11 below and to any order under Schedule 3 to this Act amalgamating the areas of any two or more regional flood defence committees—
- (a) the total number of members of the regional flood defence committee for any area shall be the same as immediately before the coming into force of this section; and
  - (b) the number of members to be appointed to a regional flood defence committee for any area by or on behalf of each of the constituent councils or, as the case may be, jointly by or on behalf of more than one of them shall be the same number as fell to be so appointed immediately before the coming into force of this section.
- (3) Where—
- (a) the appointment of one or more members of a regional flood defence committee is (by virtue of subsection (2) above or an order under section 11(5) below), to be made jointly by more than one constituent council; and
  - (b) the councils by whom that appointment is to be made are unable to agree on an appointment,
- the member or members in question shall be appointed by the relevant Minister on behalf of those councils.
- (4) In appointing a person to be the chairman or a member of a regional flood defence committee under subsection (1)(a) or (c) or (3) above the relevant Minister or, as the case may be, a constituent council shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee.
- (5) The councils of every county, metropolitan district or London borough any part of which is in the area of a regional flood defence committee shall be the constituent councils for the regional flood defence committee for that area, and the Common Council of the City of London shall be a constituent council for the regional flood defence committee for any area which comprises any part of the City.
- (6) In this section “the relevant Minister”—
- (a) in relation to the regional flood defence committee for an area the whole or the greater part of which is in Wales, means the Secretary of State; and
  - (b) in relation to any other regional flood defence committee, means the Minister.
- 11 Change of composition of regional flood defence committee. E+W**
- (1) The Authority may, in accordance with the following provisions of this section, from time to time make a determination varying the total number of members of a regional flood defence committee.
- (2) The Authority shall submit any determination under subsection (1) above to the relevant Minister.
- (3) For the purposes of this section—
- (a) the total number of members of a regional flood defence committee shall not be less than eleven; and
  - (b) any determination by the Authority under subsection (1) above that a regional flood defence committee should consist of more than seventeen members shall

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be provisional and shall take effect only if the relevant Minister makes an order under subsection (4) below.

(4) If the Authority submits a provisional determination to the relevant Minister with respect to any regional flood defence committee and he considers that the committee should consist of more than seventeen members, he may by order made by statutory instrument—

- (a) confirm it; or
- (b) substitute for the number of members determined by the Authority some other number not less than seventeen.

(5) Subject to the following provisions of this section, whenever—

- (a) the total number of members of a regional flood defence committee is varied under this section; or
- (b) the relevant Minister considers it necessary to make an order under this subsection in consequence of—
  - (i) the effect in relation to the whole or any part of the area of any regional flood defence committee of any rules or regulations made for the purposes of paragraphs 4 to 6 of Schedule 12A to the <sup>M2</sup>Local Government Finance Act 1988 (definition of relevant population); or
  - (ii) the alteration of the boundaries of the area of a regional flood defence committee,

the relevant Minister shall by order made by statutory instrument specify, in relation to times after the coming into force of the variation, rules or regulations or alteration, the number of members to be appointed to the committee by each of the constituent councils.

(6) An order under subsection (5) above shall be so framed that the total number of members appointed under section 10(1)(a) and (b) above is one less than the number of those appointed by or on behalf of constituent councils.

(7) For the purpose of determining for the purposes of subsection (5) above the number of persons to be appointed to a regional flood defence committee by or on behalf of each constituent council, the relevant Minister—

- (a) shall have regard to the relevant population of any relevant area of that council; and
- (b) where, having regard to the proportion which that population bears to the aggregate of the relevant populations of the relevant areas of all the constituent councils—
  - (i) he considers it to be inappropriate that that council should appoint a member of the committee; or
  - (ii) he considers that one or more members should be appointed jointly by that council and one or more other constituent councils,

may include provision to that effect in the order.

(8) In this section—

“member”, in relation to a regional flood defence committee, includes the chairman of the committee;

“relevant area”, in relation to a council which is a constituent council in relation to any regional flood defence committee, means so much of the council’s area as is included in the area of the committee;

“the relevant Minister” has the same meaning as in section 10 above;

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“relevant population” has the same meaning as it has for the purposes of section 69 of the Local Government Finance Act 1988 (precepted authorities).

#### Marginal Citations

M2 1988 c. 41.

## 12 Local flood defence schemes and local flood defence committees. **E+W**

- (1) A scheme, known as a local flood defence scheme, may be made by the Authority, in accordance with the following provisions of this section—
- (a) for the creation in the area of a regional flood defence committee of one or more districts, to be known as local flood defence districts; and
  - (b) for the constitution, membership, functions and procedure of a committee for each such district, to be known as the local flood defence committee for that district.
- (2) A regional flood defence committee may at any time submit to the Authority—
- (a) a local flood defence scheme for any part of their area for which there is then no such scheme in force; or
  - (b) a scheme varying a local flood defence scheme or revoking such a scheme and, if the committee think fit, replacing it with another such scheme;
- and references in the following provisions of this section and in section 13 below to local flood defence schemes are references to schemes under either of paragraphs (a) and (b) above.
- (3) Before submitting a scheme to the Authority under subsection (2) above, a regional flood defence committee shall consult—
- (a) every local authority any part of whose area will fall within the area to which the scheme is proposed to relate; and
  - (b) such organisations representative of persons interested in flood defence (within the meaning of Part IV of this Act) or agriculture as the regional flood defence committee consider to be appropriate.
- (4) It shall be the duty of the Authority to send any scheme submitted to it under subsection (2) above to one of the Ministers.
- (5) A local flood defence scheme may define a local flood defence district—
- (a) by reference to the districts which were local land drainage districts immediately before 1st September 1989;
  - (b) by reference to the area of the regional flood defence committee in which that district is situated;
  - (c) by reference to a map;
- or partly by one of those means and partly by another or the others.
- (6) A local flood defence scheme may contain incidental, consequential and supplementary provisions.
- (7) Either of the Ministers may approve a local flood defence scheme with or without modifications; and any scheme approved under this subsection shall come into force on a date fixed by the Minister approving it.

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**13 Composition of local flood defence committees. E+W**

- (1) Subject to subsections (2) and (3) below, a local flood defence scheme shall provide that any local flood defence committee to which it relates shall consist of not less than eleven and not more than fifteen members.
- (2) A regional flood defence committee may include in a local flood defence scheme which they submit to the Authority a recommendation that a committee to which the scheme relates should consist of a number of members greater than fifteen; and a scheme so submitted shall be taken to provide for the number of members of a committee if it contains a recommendation under this subsection relating to that committee.
- (3) The power conferred on each of the Ministers by section 12(7) above shall include power to direct that a committee to which a recommendation under subsection (2) above relates shall consist either of the recommended number of members or of some other number of members greater than fifteen.
- (4) A local flood defence committee shall consist of—
  - (a) a chairman appointed from among their own members by the regional flood defence committee;
  - (b) other members appointed by that committee; and
  - (c) members appointed, in accordance with and subject to the terms of the local flood defence scheme, by or on behalf of constituent councils.
- (5) The number of members appointed to a local flood defence committee by or on behalf of constituent councils shall be one more than the total number of members appointed by the regional flood defence committee.
- (6) In appointing a person to be a member of a local flood defence committee, the regional flood defence committee shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee to which he is appointed.
- (7) The councils of every county, metropolitan district or London borough any part of which is in a local flood defence district shall be the constituent councils for the local flood defence committee for that district, and the Common Council of the City of London shall be a constituent council for the local flood defence committee of any local flood defence district which comprises any part of the City.

**14 Membership and proceedings of flood defence committees. E+W**

Schedule 4 to this Act shall have effect in relation to regional flood defence committees and local flood defence committees.

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