



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER I

THE ENVIRONMENT AGENCY

Establishment of the Agency

1 The Environment Agency.

- (1) There shall be a body corporate to be known as the Environment Agency or, in Welsh, Asiantaeth yr Amgylchedd (in this Act referred to as “the Agency”), for the purpose of carrying out the functions transferred or assigned to it by or under this Act.
- (2) The Agency shall consist of not less than eight nor more than fifteen members of whom—
 - (a) three shall be appointed by the Minister; and
 - (b) the others shall be appointed by the Secretary of State.
- (3) The Secretary of State shall designate—
 - (a) one of the members as the chairman of the Agency, and
 - (b) another of them as the deputy chairman of the Agency.
- (4) In appointing a person to be a member of the Agency, the Secretary of State or, as the case may be, the Minister 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 Agency.
- (5) Subject to the provisions of section 38 below, the Agency shall not be regarded—

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- (a) as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; or
 - (b) by virtue of any connection with the Crown, as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local;
- and the Agency's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (6) The provisions of Schedule 1 to this Act shall have effect with respect to the Agency.

Transfer of functions, property etc. to the Agency

2 Transfer of functions to the Agency.

- (1) On the transfer date there shall by virtue of this section be transferred to the Agency—
- (a) the functions of the National Rivers Authority, that is to say—
 - (i) its functions under or by virtue of Part II (water resources management) of the ^{M1}Water Resources Act 1991 (in this Part referred to as “the 1991 Act”);
 - (ii) its functions under or by virtue of Part III of that Act (control of pollution of water resources);
 - (iii) its functions under or by virtue of Part IV of that Act (flood defence) and the ^{M2}Land Drainage Act 1991 and the functions transferred to the Authority by virtue of section 136(8) of the ^{M3}Water Act 1989 and paragraph 1(3) of Schedule 15 to that Act (transfer of land drainage functions under local statutory provisions and subordinate legislation);
 - (iv) its functions under or by virtue of Part VII of the 1991 Act (land and works powers);
 - (v) its functions under or by virtue of ^{F1}... the ^{M4}Sea Fisheries Regulation Act 1966, the ^{M5}Salmon and Freshwater Fisheries Act 1975, Part V of the 1991 Act or any other enactment relating to fisheries;
 - (vi) the functions as a navigation authority, harbour authority or conservancy authority which were transferred to the Authority by virtue of Chapter V of Part III of the ^{M6}Water Act 1989 or paragraph 23(3) of Schedule 13 to that Act or which have been transferred to the Authority by any order or agreement under Schedule 2 to the 1991 Act;
 - (vii) its functions under Schedule 2 to the 1991 Act;
 - (viii) the functions assigned to the Authority by or under any other enactment, apart from this Act;
 - (b) the functions of waste regulation authorities, that is to say, the functions conferred or imposed on them by or under—
 - (i) the ^{M7}Control of Pollution (Amendment) Act 1989, or
 - (ii) Part II of the ^{M8}Environmental Protection Act 1990 (in this Part referred to as “the 1990 Act”),
 or assigned to them by or under any other enactment, apart from this Act;
 - (c) the functions of disposal authorities under or by virtue of the waste regulation provisions of the ^{M9}Control of Pollution Act 1974;

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- (d) the functions of the chief inspector for England and Wales constituted under section 16(3) of the 1990 Act, that is to say, the functions conferred or imposed on him by or under Part I of that Act or assigned to him by or under any other enactment, apart from this Act;
 - (e) the functions of the chief inspector for England and Wales appointed under section 4(2)(a) of the ^{M10}Radioactive Substances Act 1993, that is to say, the functions conferred or imposed on him by or under that Act or assigned to him by or under any other enactment, apart from this Act;
 - (f) the functions conferred or imposed by or under the ^{M11}Alkali, &c, Works Regulation Act 1906 (in this section referred to as “the 1906 Act”) on the chief, or any other, inspector (within the meaning of that Act), so far as exercisable in relation to England and Wales;
 - (g) so far as exercisable in relation to England and Wales, the functions in relation to improvement notices and prohibition notices under Part I of the ^{M12}Health and Safety at Work etc. Act 1974 (in this section referred to as “the 1974 Act”) of inspectors appointed under section 19 of that Act by the Secretary of State in his capacity as the enforcing authority responsible in relation to England and Wales for the enforcement of the 1906 Act and section 5 of the 1974 Act; and
 - (h) the functions of the Secretary of State specified in subsection (2) below.
- (2) The functions of the Secretary of State mentioned in subsection (1)(h) above are the following, that is to say—
- (a) so far as exercisable in relation to England and Wales, his functions under section 30(1) of the ^{M13}Radioactive Substances Act 1993 (power to dispose of radioactive waste);
 - (b) his functions under Chapter III of Part IV of the ^{M14}Water Industry Act 1991 in relation to special category effluent, within the meaning of that Chapter, other than any function of making regulations or of making orders under section 139 of that Act;
 - (c) so far as exercisable in relation to England and Wales, the functions conferred or imposed on him by virtue of his being, for the purposes of Part I of the 1974 Act, the authority which is by any of the relevant statutory provisions made responsible for the enforcement of the 1906 Act and section 5 of the 1974 Act;
 - (d) so far as exercisable in relation to England and Wales, his functions under, or under regulations made by virtue of, section 9 of the 1906 Act (registration of works), other than any functions of his as an appellate authority or any function of making regulations;
 - (e) so far as exercisable in relation to England and Wales, his functions under regulations 7(1) and 8(2) of, and paragraph 2(2)(c) of Schedule 2 to, the ^{M15}Sludge (Use in Agriculture) Regulations 1989 (which relate to the provision of information and the testing of soil).

^{F2}(3)

Textual Amendments

F1 Words in s. 2(1)(a)(v) omitted (E.W.) (27.3.2009) by virtue of [The Aquatic Animal Health \(England and Wales\) Regulations 2009 \(S.I. 2009/463\)](#), reg. 1(2), [Sch. 2 para. 9\(a\)](#) (with reg. 2(2)) and words in s. 2(1)(a)(v) omitted (S.) (27.3.2009) by virtue of [The Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), reg. 1(2)(c), [sch. 2 para. 9\(a\)](#) (with reg. 2.)

F2 S. 2(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

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Marginal Citations

- M1** 1991 c. 57.
- M2** 1991 c. 59.
- M3** 1989 c. 15.
- M4** 1966 c. 38.
- M5** 1975 c. 51.
- M6** 1989 c. 15.
- M7** 1989 c. 14.
- M8** 1990 c. 43.
- M9** 1974 c. 40.
- M10** 1993 c. 12.
- M11** 1906 c. 14.
- M12** 1974 c. 37.
- M13** 1993 c. 12.
- M14** 1991 c. 56.
- M15** S.I. 1989/1263.

3 Transfer of property, rights and liabilities to the Agency.

- (1) On the transfer date—
 - (a) the property, rights and liabilities—
 - (i) of the National Rivers Authority, and
 - (ii) of the London Waste Regulation Authority,
 shall, by virtue of this paragraph, be transferred to and vested in the Agency;
 - (b) any property, rights or liabilities which are the subject of—
 - (i) a scheme made under the following provisions of this section by the Secretary of State, or
 - (ii) a scheme made under those provisions by a body which is a waste regulation authority and approved (with or without modifications) under those provisions by the Secretary of State,
 shall be transferred to and vested in the Agency by and in accordance with the scheme.

- F3(2)
- F3(3)
- F3(4)
- F3(5)
- F3(6)
- F3(7)

(8) Schedule 2 to this Act shall have effect in relation to transfers by or under this section.

Textual Amendments

F3 S. 3(2)-(7) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

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Commencement Information

- II** S. 3 not in force at Royal Assent see s. 125(3); s. 3(2)-(8) in force at 28.7.1995 by [S.I. 1995/1983](#), [art. 2](#); s. 3(1) in force at 1.4.1996 by [S.I. 1996/186](#), [art 3](#)

4 Principal aim and objectives of the Agency.

- (1) It shall be the principal aim of the Agency (subject to and in accordance with the provisions of this Act or any other enactment and taking into account any likely costs) in discharging its functions so to protect or enhance the environment, taken as a whole, as to make the contribution towards attaining the objective of achieving sustainable development mentioned in subsection (3) below.
- (2) The Ministers shall from time to time give guidance to the Agency with respect to objectives which they consider it appropriate for the Agency to pursue in the discharge of its functions.
- (3) The guidance given under subsection (2) above must include guidance with respect to the contribution which, having regard to the Agency's responsibilities and resources, the Ministers consider it appropriate for the Agency to make, by the discharge of its functions, towards attaining the objective of achieving sustainable development.
- (4) In discharging its functions, the Agency shall have regard to guidance given under this section.
- (5) The power to give guidance to the Agency under this section shall only be exercisable ^{F4}after consultation with—
 - (a) the Agency,
 - (b) Natural England, and
 - (c) such other persons as] the Ministers consider it appropriate to consult in relation to the guidance in question.
- (6) A draft of any guidance proposed to be given under this section shall be laid before each House of Parliament and the guidance shall not be given until after the period of 40 days beginning with the day on which the draft was so laid or, if the draft is laid on different days, the later of the two days.
- (7) If, within the period mentioned in subsection (6) above, either House resolves that the guidance, the draft of which was laid before it, should not be given, the Ministers shall not give that guidance.
- (8) In reckoning any period of 40 days for the purposes of subsection (6) or (7) above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (9) The Ministers shall arrange for any guidance given under this section to be published in such manner as they consider appropriate.

Textual Amendments

- F4** Words in s. 4(5) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 140](#); [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

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5 General functions with respect to pollution control.

- (1) The Agency’s pollution control powers shall be exercisable for the purpose of preventing or minimising, or remedying or mitigating the effects of, pollution of the environment.
- (2) The Agency shall, for the purpose—
 - (a) of facilitating the carrying out of its pollution control functions, or
 - (b) of enabling it to form an opinion of the general state of pollution of the environment,
 compile information relating to such pollution (whether the information is acquired by the Agency carrying out observations or is obtained in any other way).
- (3) If required by either of the Ministers to do so, the Agency shall—
 - (a) carry out assessments (whether generally or for such particular purpose as may be specified in the requirement) of the effect, or likely effect, on the environment of existing or potential levels of pollution of the environment and report its findings to that Minister; or
 - (b) prepare and send to that Minister a report identifying—
 - (i) the options which the Agency considers to be available for preventing or minimising, or remedying or mitigating the effects of, pollution of the environment, whether generally or in cases or circumstances specified in the requirement; and
 - (ii) the costs and benefits of such options as are identified by the Agency pursuant to sub-paragraph (i) above.
- (4) The Agency shall follow developments in technology and techniques for preventing or minimising, or remedying or mitigating the effects of, pollution of the environment.
- (5) In this section, “pollution control powers” and “pollution control functions”, in relation to the Agency, mean respectively its powers or its functions under or by virtue of the following enactments, that is to say—
 - (a) the ^{M16}Alkali, &c, Works Regulation Act 1906;
 - (b) Part I of the ^{M17}Health and Safety at Work etc. Act 1974;
 - (c) Part I of the ^{M18}Control of Pollution Act 1974;
 - (d) the ^{M19}Control of Pollution (Amendment) Act 1989;
 - (e) Parts I, II and IIA of the 1990 Act (integrated pollution control etc, waste on land and contaminated land);
 - (f) Chapter III of Part IV of the ^{M20}Water Industry Act 1991 (special category effluent);
 - (g) Part III and sections 161 to 161D of the 1991 Act (control of pollution of water resources);
 - (h) [^{F5}the ^{M21}Radioactive Substances Act 1993;]
 - [^{F6}(i) regulations under section 2 of the Pollution Prevention and Control Act 1999;]
 - (j) regulations made by virtue of section 2(2) of the ^{M22}European Communities Act 1972, to the extent that the regulations relate to pollution.

Textual Amendments

- F5** S. 5(5)(h) repealed (E.W.) (6.4.2010) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), reg. 1(1)(b), Sch. 26 para. 13(2), **Sch. 28** (with reg. 1(2), Sch. 4)

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F6 S. 5(5)(i) inserted (21.3.2000 for E.W and otherwise *prosp.*) by 1999 c. 24, ss. 6(1), 7(3), **Sch. 2 para. 15**; S.I. 2000/800, **art. 2**

Commencement Information

I2 S. 5 wholly in force at 1.4.1996; s. 5 not in force at Royal Assent see s. 125(3); s. 5(2)(5) in force at 1.2.1996 by S.I. 1996/186, **art 2**; s. 5(1)(3)(4) in force at 1.4.1996 by S.I. 1996/186, **art 3**

Marginal Citations

M16 1906 c. 14.

M17 1974 c. 37.

M18 1974 c. 40.

M19 1989 c. 14.

M20 1991 c. 56.

M21 1993 c. 12.

M22 1972 c. 68.

6 General provisions with respect to water.

- (1) It shall be the duty of the Agency, to such extent as it considers desirable, generally to promote—
- (a) the conservation and enhancement of the natural beauty and amenity of inland and coastal waters and of land associated with such waters;
 - (b) the conservation of flora and fauna which are dependent on an aquatic environment; and
 - (c) the use of such waters and land for recreational purposes;
- and it shall be the duty of the Agency, in determining what steps to take in performance of the duty imposed by virtue of paragraph (c) above, to take into account the needs of persons who are chronically sick or disabled. This subsection is without prejudice to the duties of the Agency under section 7 below.
- (2) It shall be the duty of the Agency to take all such action as it may from time to time consider, in accordance with any directions given under section 40 below, to be necessary or expedient for the purpose—
- (a) of conserving, redistributing or otherwise augmenting water resources in England and Wales; and
 - (b) of securing the proper use of water resources in England and Wales^{F7}(including the efficient use of those resources)];
- but nothing in this subsection shall be construed as relieving any water undertaker of the obligation to develop water resources for the purpose of performing any duty imposed on it by virtue of section 37 of the^{M23}Water Industry Act 1991 (general duty to maintain water supply system).
- (3) The provisions of the 1991 Act relating to the functions of the Agency under Chapter II of Part II of that Act and the related water resources provisions so far as they relate to other functions of the Agency shall not apply to so much of any inland waters as—
- (a) are part of the River Tweed;
 - (b) are part of the River Esk or River Sark at a point where either of the banks of the river is in Scotland; or
 - (c) are part of any tributary stream of the River Esk or the River Sark at a point where either of the banks of the tributary stream is in Scotland.

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- [^{F8}(3A) Subsection (3) above shall apply to—
- (a) sections 3 and 4 of the Water Act 2003; and
 - (b) such of the related water resources provisions as apply in relation to those sections by virtue of section 33(2) of the Water Act 2003,
- as it applies to the provisions referred to in that subsection.]
- (4) [^{F9}The Agency shall in relation to England and Wales exercise a general supervision over all matters relating to flood and coastal erosion risk management, in accordance with Part 1 of the Flood and Water Management Act 2010.]
- (5) The Agency’s flood defence functions shall extend to the territorial sea adjacent to England and Wales in so far as—
- (a) the area of any regional flood defence committee includes any area of that territorial sea; or
 - (b) section 165(2) or (3) of the 1991 Act (drainage works for the purpose of defence against sea water or tidal water, and works etc to secure an adequate outfall for a main river) provides for the exercise of any power in the territorial sea.
- (6) It shall be the duty of the Agency to maintain, improve and develop [^{F10}fisheries of—
- (a) salmon, trout, eels, lampreys, smelt and freshwater fish, and
 - (b) fish of such other description as may be specified for the purposes of this subsection by order under section 40A of the Salmon and Freshwater Fisheries Act 1975.]
- (7) The area in respect of which the Agency shall carry out its functions relating to fisheries shall be the whole of England and Wales, together with—
- (a) such part of the territorial sea adjacent to England and Wales as extends for six miles from the baselines from which the breadth of that sea is measured,
 - (b) in the case of—
 - ^{F11}(i)
 - (ii) the ^{M24}Salmon and Freshwater Fisheries Act 1975,
 - (iii) Part V of the 1991 Act (general control of fisheries), and
 - (iv) subsection (6) above,
 so much of the River Esk, with its banks and tributary streams up to their source, as is situated in Scotland, and
 - (c) in the case of sections 31 to 34 and 36(2) of the ^{M25}Salmon and Freshwater Fisheries Act 1975 as applied by section 39(1B) of that Act, so much of the catchment area of the River Esk as is situated in Scotland,
- but, in the case of the enactments specified in paragraph (b) above, excluding the River Tweed.
- (8) In this section—
- “miles” means international nautical miles of 1,852 metres;
- “the related water resources provisions” has the same meaning as it has in the 1991 Act;
- [^{F12}“the River Esk” means that River as defined by section 111(4) of the Scotland Act 1998 or as such definition as may be modified by an order under section 111(1) of that Act;]

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“the River Tweed” means “the river” within the meaning of the ^{M26}Tweed Fisheries Amendment Act 1859 as amended by byelaws.

[^{F13}“salmon”, “trout”, “eels”, “smelt”, “fish” and “freshwater fish” have the same meanings as in the Salmon and Freshwater Fisheries Act 1975].

Textual Amendments

- F7** Words in s. 6(2)(b) inserted (E.W.) (1.4.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 72**, 105(3); S.I. 2004/641, art. 3(s) (with [Sch. 3 para. 7](#))
- F8** S. 6(3A) inserted (1.4.2006) by [Water Act 2003 \(c. 37\)](#), s. 105(3), **Sch. 7 para. 15(2)**; S.I. 2006/984, art. 2(s)(i)
- F9** S. 6(4) substituted (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), **Sch. 2 para. 52** (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)
- F10** Words in s. 6(6) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 230(2)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F11** S. 6(7)(b)(i) omitted (E.W.) (27.3.2009) by virtue of [The Aquatic Animal Health \(England and Wales\) Regulations 2009 \(S.I. 2009/463\)](#), reg. 1(2), **Sch. 2 para. 9(b)** (with reg. 2(2)) and s. 6(7)(b)(i) omitted (S.) (27.3.2009) by virtue of [The Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), reg. 1(2)(c), **sch. 2 para. 9(b)** (with reg. 2.)
- F12** S. 6: definition of “the River Esk” inserted (30.6.1999) by S.I. 1999/1746, **arts. 1(1)**, 5(3); S.I. 1998/3178, **art. 3**
- F13** Words in s. 6(8) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 230(3)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14

Marginal Citations

- M23** 1991 c. 56.
M24 1975 c. 51.
M25 1975 c. 51.
M26 1859 c. lxx.

7 General environmental and recreational duties.

(1) It shall be the duty of each of the Ministers and of the Agency, in formulating or considering—

- (a) any proposals relating to any functions of the Agency other than its pollution control functions, so far as may be consistent—
- (i) with the purposes of any enactment relating to the functions of the Agency,
 - (ii) in the case of each of the Ministers, with the objective of achieving sustainable development,
 - (iii) in the case of the Agency, with any guidance under section 4 above,
 - (iv) in the case of the Secretary of State, with his duties under section 2 of the ^{M27}Water Industry Act 1991,

so to exercise any power conferred on him or it with respect to the proposals as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest;

- (b) any proposals relating to pollution control functions of the Agency, to have regard to the desirability of conserving and enhancing natural beauty and of

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- conserving flora, fauna and geological or physiographical features of special interest;
- (c) any proposal relating to any functions of the Agency—
- (i) to have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural, engineering or historic interest;
 - (ii) to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects; and
 - (iii) to have regard to any effect which the proposals would have on the economic and social well-being of local communities in rural areas.
- (2) Subject to subsection (1) above, it shall be the duty of each of the Ministers and of the Agency, in formulating or considering any proposals relating to any functions of the Agency—
- (a) to have regard to the desirability of preserving for the public any freedom of access to areas of woodland, mountains, moor, heath, down, cliff or foreshore and other places of natural beauty;
 - (b) to have regard to the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural, engineering or historic interest; and
 - (c) to take into account any effect which the proposals would have on any such freedom of access or on the availability of any such facility.
- (3) Subsections (1) and (2) above shall apply so as to impose duties on the Agency in relation to—
- (a) any proposals relating to the functions of a water undertaker or sewerage undertaker,
 - (b) any proposals relating to the management, by the company holding an appointment as such an undertaker, of any land for the time being held by that company for any purpose whatever (whether or not connected with the carrying out of the functions of a water undertaker or sewerage undertaker), and
 - (c) any proposal which by virtue of section 156(7) of the ^{M28}Water Industry Act 1991 (disposals of protected land) falls to be treated for the purposes of section 3 of that Act as a proposal relating to the functions of a water undertaker or sewerage undertaker,
- as they apply in relation to proposals relating to the Agency's own functions, other than its pollution control functions.
- (4) Subject to obtaining the consent of any navigation authority, harbour authority or conservancy authority before doing anything which causes obstruction of, or other interference with, navigation which is subject to the control of that authority, it shall be the duty of the Agency to take such steps as are—
- (a) reasonably practicable, and
 - (b) consistent with the purposes of the enactments relating to the functions of the Agency,
- for securing, so long as the Agency has rights to the use of water or land associated with water, that those rights are exercised so as to ensure that the water or land is made available for recreational purposes and is so made available in the best manner.

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- (5) It shall be the duty of the Agency, in determining what steps to take in performance of any duty imposed by virtue of subsection (4) above, to take into account the needs of persons who are chronically sick or disabled.
- (6) Nothing in this section, the following provisions of this Act or the 1991 Act shall require recreational facilities made available by the Agency to be made available free of charge.
- (7) In this section—
“building” includes structure;
“pollution control functions”, in relation to the Agency, has the same meaning as in section 5 above.

Marginal Citations

M27 1991 c. 56.

M28 1991 c. 56.

8 Environmental duties with respect to sites of special interest.

- (1) Where [^{F14}Natural England] or the Countryside Council for Wales is of the opinion that any area of land in England or, as the case may be, in Wales—
- is of special interest by reason of its flora, fauna or geological or physiographical features, and
 - may at any time be affected by schemes, works, operations or activities of the Agency or by an authorisation given by the Agency,
- [^{F15}the Agency or (as the case may be) the Council] shall notify the fact that the land is of special interest for that reason to the Agency.
- (2) Where a National Park authority or the Broads Authority is of the opinion that any area of land in a National Park or in the Broads—
- is land in relation to which the matters for the purposes of which sections 6(1) and 7 above (other than section 7(1)(c)(iii) above) have effect are of particular importance, and
 - may at any time be affected by schemes, works, operations or activities of the Agency or by an authorisation given by the Agency,
- the National Park authority or Broads Authority shall notify the Agency of the fact that the land is such land, and of the reasons why those matters are of particular importance in relation to the land.
- (3) Where the Agency has received a notification under subsection (1) or (2) above with respect to any land, it shall consult the notifying body before carrying out or authorising any works, operations or activities which appear to the Agency to be likely—
- to destroy or damage any of the flora, fauna, or geological or physiographical features by reason of which the land is of special interest; or
 - significantly to prejudice anything the importance of which is one of the reasons why the matters mentioned in subsection (2) above are of particular importance in relation to that land.

Status: Point in time view as at 30/04/2012.

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(4) Subsection (3) above shall not apply in relation to anything done in an emergency where particulars of what is done and of the emergency are notified to [^{F16}Natural England], the Countryside Council for Wales, the National Park authority in question or, as the case may be, the Broads Authority as soon as practicable after that thing is done.

(5) In this section—

“authorisation” includes any consent or licence;

“the Broads” has the same meaning as in the ^{M29}Norfolk and Suffolk Broads Act 1988; and

“National Park authority”, ^{F17} . . . , means a National Park authority established under section 63 below which has become the local planning authority for the National Park in question.

^{F18}(6)

Textual Amendments

F14 Words in s. 8(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 141\(2\)\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)

F15 Words in s. 8(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 141\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)

F16 Words in s. 8(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 141\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)

F17 Words in definition of “National Park authority” in s. 8(6) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\), Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, [Sch.](#)

F18 S. 8(6) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\), Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, [Sch.](#)

Marginal Citations

M29 [1988 c. 4.](#)

9 Codes of practice with respect to environmental and recreational duties.

(1) Each of the Ministers shall have power by order to approve any code of practice issued (whether by him or by another person) for the purpose of—

- (a) giving practical guidance to the Agency with respect to any of the matters for the purposes of which sections 6(1), 7 and 8 above have effect, and
- (b) promoting what appear to him to be desirable practices by the Agency with respect to those matters,

and may at any time by such an order approve a modification of such a code or withdraw his approval of such a code or modification.

(2) In discharging its duties under section 6(1), 7 or 8 above, the Agency shall have regard to any code of practice, and any modifications of a code of practice, for the time being approved under this section.

(3) Neither of the Ministers shall make an order under this section unless he has first consulted—

- (a) the Agency;
- (b) [^{F19}Natural England] and the Countryside Council for Wales;

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- (c) the Historic Buildings and Monuments Commission for England;
 - (d) the Sports Council and the Sports Council for Wales; and
 - (e) such other persons as he considers it appropriate to consult.
- (4) The power of each of the Ministers to make an order under this section shall be exercisable by statutory instrument; and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F19 Words in s. 9(3)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 142](#); S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

C1 S. 9(3) excluded (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

10 Incidental functions of the Agency.

- (1) This section has effect—
- (a) for the purposes of section 37(1) below, as it applies in relation to the Agency; and
 - (b) for the construction of any other enactment which, by reference to the functions of the Agency, confers any power on or in relation to the Agency; and any reference in this section to “the relevant purposes” is a reference to the purposes described in paragraphs (a) and (b) above.
- (2) For the relevant purposes, the functions of the Agency shall be taken to include the protection against pollution of—
- (a) any waters, whether on the surface or underground, which belong to the Agency or any water undertaker or from which the Agency or any water undertaker is authorised to take water;
 - (b) without prejudice to paragraph (a) above, any reservoir which belongs to or is operated by the Agency or any water undertaker or which the Agency or any water undertaker is proposing to acquire or construct for the purpose of being so operated; and
 - (c) any underground strata from which the Agency or any water undertaker is for the time being authorised to abstract water in pursuance of a licence under Chapter II of Part II of the 1991 Act (abstraction and impounding).
- (3) For the relevant purposes, the functions of the Agency shall be taken to include joining with or acting on behalf of one or more relevant undertakers for the purpose of carrying out any works or acquiring any land which at least one of the undertakers with which it joins, or on whose behalf it acts, is authorised to carry out or acquire for the purposes of—
- (a) any function of that undertaker under any enactment; or
 - (b) any function which is taken to be a function of that undertaker for the purposes to which section 217 of the ^{M30}Water Industry Act 1991 applies.
- (4) For the relevant purposes, the functions of the Agency shall be taken to include the provision of supplies of water in bulk, whether or not such supplies are provided for

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the purposes of, or in connection with, the carrying out of any other function of the Agency.

(5) For the relevant purposes, the functions of the Agency shall be taken to include the provision of houses and other buildings for the use of persons employed by the Agency and the provision of recreation grounds for persons so employed.

(6) In this section—

“relevant undertaker” means a water undertaker or sewerage undertaker; and
“supply of water in bulk” means a supply of water for distribution by a water undertaker taking the supply.

Marginal Citations

M30 1991 c. 56.

Advisory committees

[^{F20}11 **Advisory committee for Wales.**

- (1) The Secretary of State shall establish and maintain a committee for advising him with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Agency’s functions.
- (2) The committee shall consist of such persons as may from time to time be appointed by the Secretary of State.
- (3) The committee shall meet at least once a year.
- (4) The Secretary of State may pay to the members of the committee such sums by way of reimbursement (whether in whole or in part) for loss of remuneration, for travelling expenses and for other out-of-pocket expenses as he may determine.]

Textual Amendments

F20 S. 11 repealed (W.) (1.4.2002) by S.I. 2002/784, art. 2(2)

12 Environment protection advisory committees.

- (1) It shall be the duty of the Agency—
 - (a) to establish and maintain advisory committees, to be known as Environment Protection Advisory Committees, for the different regions of England and Wales;
 - (b) to consult the advisory committee for any region as to any proposals of the Agency relating generally to the manner in which the Agency 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 Agency carries out its functions in that region.

Status: Point in time view as at 30/04/2012.

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- (2) The advisory committee for any region shall consist of—
 - (a) a chairman appointed by the Secretary of State; and
 - (b) such other members as the Agency may appoint in accordance with the provisions of the approved membership scheme for that region.
- (3) In appointing the chairman of any advisory committee, the Secretary of State 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.
- (4) The members of advisory committees appointed by virtue of subsection (2)(b) above—
 - (a) must not be members of the Agency; but
 - (b) must be persons who appear to the Agency to have a significant interest in matters likely to be affected by the manner in which the Agency carries out any of its functions in the region of the advisory committee in question.
- (5) The duty imposed by subsection (1)(a) above to establish and maintain advisory committees is a duty to establish and maintain an advisory committee for each area which the Agency considers it appropriate for the time being to regard as a region of England and Wales for the purposes of this section.
- (6) It shall be the duty of the Agency, 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.
- (7) For the purposes of this section, functions of the Agency 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) Schedule 3 to this Act shall have effect with respect to advisory committees.
- (9) In this section—

“advisory committee” means an advisory committee under this section;

“approved membership scheme” means a scheme, as in force for the time being, prepared by the Agency and approved (with or without modification) by the Secretary of State under Schedule 3 to this Act which makes provision with respect to the membership of the advisory committee for a region.

13 Regional and local fisheries advisory committees.

- (1) It shall be the duty of the Agency—
 - (a) to establish and maintain advisory committees of persons who are not members of the Agency but appear to it to be interested in [^{F21}fisheries referred to in section 6(6) above] in the different parts of the controlled area; and
 - (b) to consult those committees as to the manner in which the Agency is to perform its duty under section 6(6) above.
- (2) If the Agency, with the consent of the Ministers, so determines, it shall also be under a duty to consult those committees, or such of them as may be specified or described in the determination, as to—
 - (a) the manner in which it is to perform its duties under or by virtue of such of the enactments relating to recreation, conservation or navigation as may be the subject of the determination, or

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- (b) such matters relating to recreation, conservation or navigation as may be the subject of the determination.
- (3) Where, by virtue of subsection (2) above, the Agency is under a duty to consult those committees or any of them, there may be included among the members of the committees in question persons who are not members of the Agency but who appear to it to be interested in matters—
- (a) likely to be affected by the manner in which it performs the duties to which the determination in question relates, or
 - (b) which are the subject of the determination,
- if the Ministers consent to the inclusion of persons of that description.
- (4) The duty to establish and maintain advisory committees imposed by subsection (1) above is a duty to establish and maintain—
- (a) a regional advisory committee for each such region of the controlled area as the Agency 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 Agency considers necessary to represent—
 - (i) the interests referred to in subsection (1)(a) above, and
 - (ii) where persons may be appointed members of those committees by virtue of subsection (3) above by reference to any such interests as are mentioned in that subsection, the interests in question,
 in the different parts of each such region.
- (5) It shall be the duty of the Agency 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.
- (6) In addition to any members appointed under the foregoing provisions of this section, there shall, in the case of each regional advisory committee established and maintained under this section, also be a chairman appointed—
- (a) by the Secretary of State, in the case of the committee established and maintained for the region described in subsection (5) above; or
 - (b) by the Minister, in any other case.
- (7) There shall be paid by the Agency—
- (a) to the chairman of any regional or local 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 by way of reimbursement (whether in whole or in part) for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,
- as may be determined by one of the Ministers.
- (8) In this section “the controlled area” means the area specified in section 6(7) above in respect of which the Agency carries out functions under section 6(6) above and Part V of the 1991 Act.

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Textual Amendments

- F21** Words in s. 13(1)(a) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 16 para. 26](#); S.I. 2009/3345, art. 2, Sch. para. 15(i)

Flood defence committees

14 Regional flood defence committees.

- [^{F22}(1) There shall 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 and the 1991 Act.
- (2) Subject to Schedule 4 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) there shall be a regional flood defence committee for each of the areas for which there was an old committee immediately before the transfer date; but
- (b) where under section 165(2) or (3) of the 1991 Act any function of the Agency 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 and the 1991 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 Agency shall maintain a principal office for the area of each regional flood defence committee.
- (4) In this section “old committee” means a regional flood defence committee for the purposes of section 9 of the 1991 Act.]

Textual Amendments

- F22** [Ss. 14-19](#) repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

15 Composition of regional flood defence committees.

- [^{F22}(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 Agency, that is to say—
- (a) a chairman and a number of other members appointed by the relevant Minister;
- (b) two members appointed by the Agency;
- (c) a number of members appointed by or on behalf of the constituent councils.
- (2) Any person who immediately before the transfer date is, by virtue of his appointment—
- (a) by a Minister of the Crown,
- (b) by or on behalf of any council, or
- (c) by the National Rivers Authority,

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the chairman or a member of an old committee which, by virtue of section 14 above, is replaced by a new committee shall be treated, on and after that date, for the remainder of the period for which he would, under the terms of his appointment, have held office in relation to the old committee, as if he had been appointed as the chairman or, as the case may be, a member of the new committee, and on the same terms, by that Minister or, as the case may be, by or on behalf of that council or, in the case of a person appointed by the National Rivers Authority, by the Agency.

- (3) Subject to section 16 below and to any order under Schedule 4 to this Act amalgamating the areas of any two or more regional flood defence committees—
- (a) the total number of members of a new committee for any area shall be the same as the total number of members of the old committee for that area immediately before the transfer date;
 - (b) the number of members to be appointed to a new 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 as the number of members of the old committee for that area which fell to be so appointed immediately before the transfer date.
- (4) In any case where—
- (a) the appointment of one or more members of a regional flood defence committee is (by virtue of subsection (3) above or an order under section 16(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.
- (5) In appointing a person to be the chairman or a member of a regional flood defence committee under subsection (1)(a) or (c) or (4) 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.
- (6) The councils of every county, county borough, 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.
- (7) In this section—
- “old committee” has the same meaning as in section 14 above;
 - “new committee” means a regional flood defence committee established under section 14 above;
 - “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.]

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Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

16 Change of composition of regional flood defence committee.

- [^{F22}(1) The Agency 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 Agency 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 Agency under subsection (1) above that a regional flood defence committee should consist of more than seventeen members shall be provisional and shall take effect only if the relevant Minister makes an order under subsection (4) below.
- (4) If the Agency 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 Agency 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 or expedient to make an order under this subsection,
- the relevant Minister shall by order made by statutory instrument specify the number of members to be appointed to the committee by each of the constituent councils.
- (6) An order under subsection (5) above shall relate—
- (a) where paragraph (a) of that subsection applies, to times after the coming into force of the variation; and
 - (b) where paragraph (b) of that subsection applies, to such times as are specified in the order.
- (7) An order under subsection (5) above shall be so framed that the total number of members appointed under section 15(1)(a) and (b) above is one less than the number of those appointed by or on behalf of constituent councils.
- (8) 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—

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- (a) if he considers it to be inappropriate that that council should appoint a member of the committee, or
 - (b) if 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.

(9) In this section—

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

“the relevant Minister” has the same meaning as in section 15 above.]

Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

^{F22}16A Power to alter composition of regional flood defence committees in Wales

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Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

^{F22}16B Effect of order under section 16A

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Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

17 Local flood defence schemes and local flood defence committees.

[^{F22}(1) A scheme, known as a local flood defence scheme, may be made by the Agency, 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) Any local flood defence scheme which was made under the 1991 Act or continued in force by virtue of paragraph 14(1) of Schedule 2 to the ^{M31}Water Consolidation (Consequential Provisions) Act 1991 and which, immediately before the transfer date, is in force in relation to the area of a regional flood defence committee, shall on and after that date have effect, and may be amended or revoked, as if it were a local flood

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- defence scheme made under this section in relation to that area; and, accordingly, subject to any such amendment or revocation—
- (a) any local flood defence district created by that scheme and in being immediately before that date shall be treated, on and after that date, as a local flood defence district created by a scheme under this section in relation to the area of that regional flood defence committee; and
 - (b) any local flood defence committee created by that scheme for any such district and in being immediately before that date shall be treated, on and after that date, as the local flood defence committee for that district.
- (3) A regional flood defence committee may at any time submit to the Agency—
- (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 ^{F23}sections 18 and 18A] below to local flood defence schemes are references to schemes under either of paragraphs (a) and (b) above.
- (4) Before submitting a scheme to the Agency under subsection (3) 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 the 1991 Act) or agriculture as the regional flood defence committee consider to be appropriate.
- (5) It shall be the duty of the Agency to send any scheme submitted to it under subsection (3) above to one of the Ministers.
- (6) 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 others.
- (7) A local flood defence scheme may contain incidental, consequential and supplementary provisions.
- (8) 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.]

Textual Amendments

- F22** Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)
- F23** Words in s. 17(3) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 66\(3\)](#), 105(3); S.I. 2004/641, [art. 3\(q\)](#) (with [Sch. 3 para. 7](#))

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Marginal Citations

M31 1991 c. 60.

18 Composition of local flood defence committees.

- [^{F22}(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 Agency 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 17(8) 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) Any person who, immediately before the transfer date is, by virtue of an appointment by an old regional committee or by or on behalf of any council, the chairman or a member of a local flood defence committee which is continued in force by virtue of section 17(2) above shall be treated, on and after that date, for the remainder of the period for which he would, under the terms of his appointment, have held office in relation to the local flood defence committee—
- (a) as if he had been appointed as such under this section by the regional flood defence committee or, as the case may be, by or on behalf of that council; and
 - (b) in the case of the chairman, as if he were a member of the regional flood defence committee.
- (8) The councils of every county, county borough, 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.

Status: Point in time view as at 30/04/2012.

Changes to legislation: Environment Act 1995, Chapter 1 is up to date with all changes known to be in force on or before 16 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) In this section “old regional committee” means a regional flood defence committee for the purposes of section 9 of the 1991 Act.]

Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

[^{F24}18A Power to revoke local flood defence schemes

[^{F22}(1) The Secretary of State may by order made by statutory instrument revoke any local flood defence scheme.

- (2) The power to make an order under this section shall include power to make such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (3) The provision which may be made under subsection (2) above includes provision altering—
- (a) the total number of members of the regional flood defence committee in whose area the local flood defence district created by the scheme was situated; and
 - (b) the total number of such members to be appointed by the constituent councils of that committee,

and subsections (7) and (8) of section 16 of this Act shall apply in relation to so much of an order under this section as is made by virtue of this subsection as they apply in relation to an order under subsection (5) of that section.

- (4) Paragraphs 2 to 6 of Schedule 4 to this Act, apart from paragraph 3(3), apply in relation to an order under this section as they apply in relation to an order under that Schedule, reading references there to the relevant Minister as references to the Secretary of State.]]

Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

F24 S. 18A inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 66\(2\)](#), 105(3); S.I. 2004/641, [art. 3\(q\)](#) (with [Sch. 3 para. 7](#))

19 Membership and proceedings of flood defence committees.

[^{F22}Schedule 5 to this Act shall have effect in relation to regional flood defence committees and local flood defence committees.]

Textual Amendments

F22 Ss. 14-19 repealed (E.W.) (1.4.2011) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 53](#) (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)

Status:

Point in time view as at 30/04/2012.

Changes to legislation:

Environment Act 1995, Chapter I is up to date with all changes known to be in force on or before 16 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.