

Status: Point in time view as at 18/11/2003.

Changes to legislation: Environment Act 1995, Part II is up to date with all changes known to be in force on or before 20 July 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)

SCHEDULES

SCHEDULE 5

MEMBERSHIP AND PROCEEDINGS OF REGIONAL AND LOCAL FLOOD DEFENCE COMMITTEES

PART II

PROCEEDINGS OF FLOOD DEFENCE COMMITTEES

Appointment of sub-committees, joint sub-committees etc.

- 11 (1) For the purpose of carrying out any functions in pursuance of arrangements under paragraph 12 below—
- (a) a flood defence committee may appoint a sub-committee of the committee;
 - (b) two or more regional or two or more local flood defence committees may appoint a joint sub-committee of those committees;
 - (c) any sub-committee may appoint one or more committees of that sub-committee (“under sub-committees”).
- (2) The number of members of any sub-committee and their terms of office shall be fixed by the appointing committee or committees or, in the case of an under sub-committee, by the appointing sub-committee.
- (3) A sub-committee appointed under this paragraph may include persons who are not members of the appointing committee or committees or, in the case of an under sub-committee, the committee or committees of whom they are an under sub-committee; but at least two thirds of the members appointed to any such sub-committee shall be members of that committee or those committees, as the case may be.
- (4) A person who is disqualified for being a member of a flood defence committee shall be disqualified also for being a member of a sub-committee or under sub-committee appointed under this paragraph.

Delegation of functions to sub-committees etc.

- 12 (1) Subject to section 106 of the 1991 Act and to any other express provision contained in any enactment, a flood defence committee may arrange for the carrying out of any of their functions—
- (a) by a sub-committee, or an under sub-committee of the committee or an officer of the Agency; or
 - (b) by any other regional or, as the case may be, local flood defence committee; and two or more regional or two or more local flood defence committees may arrange to carry out any of their functions jointly or may arrange for the carrying out of any of their functions by a joint sub-committee of theirs.

Status: Point in time view as at 18/11/2003.

Changes to legislation: Environment Act 1995, Part II is up to date with all changes known to be in force on or before 20 July 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)

- (2) Where by virtue of this paragraph any functions of a flood defence committee or of two or more such committees may be carried out by a sub-committee, then, unless the committee or committees otherwise direct, the sub-committee may arrange for the carrying out of any of those functions by an under sub-committee or by an officer of the Agency.
- (3) Where by virtue of this paragraph any functions of a flood defence committee or of two or more such committees may be carried out by an under sub-committee, then, unless the committee or committees or the sub-committee otherwise direct, the under sub-committee may arrange for the carrying out of any of those functions by an officer of the Agency.
- (4) Any arrangements made by a flood defence committee under this paragraph for the carrying out of any function shall not prevent the committee from discharging their functions themselves.
- (5) References in the preceding provisions of this paragraph to the carrying out of any functions of a flood defence committee include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the carrying out of any of those functions.
- (6) A regional flood defence committee shall not, under this paragraph, make arrangements for the carrying out in a local flood defence district of any functions which fall to be carried out there by the local flood defence committee.

Rules of procedure

- 13 (1) A flood defence committee may, with the approval of the relevant Minister, make rules for regulating the proceedings of the committee.
- (2) Nothing in section 6(4) of this Act or section 105 or 106 of the 1991 Act shall entitle the Agency to make any arrangements or give any directions for regulating the proceedings of any flood defence committee.
- (3) In this paragraph “the relevant Minister” has the same meaning as in paragraph 10 above.

Declarations of interest etc.

- 14 (1) Subject to the following provisions of this paragraph, the provisions of sections 94 to 98 of the ^{M1}Local Government Act 1972 (pecuniary interests of members of local authorities) shall apply in relation to members of a flood defence committee as those provisions apply in relation to members of local authorities.
- (2) In their application by virtue of this paragraph those provisions shall have effect in accordance with the following provisions—
 - (a) for references to meetings of the local authority there shall be substituted references to meetings of the committee;
 - (b) in section 94(4), for the reference to provision being made by standing orders of a local authority there shall be substituted a reference to provisions being made by directions of the committee;
 - (c) in section 96, for references to the proper officer of the local authority there shall be substituted a reference to an officer of the Agency appointed for the purposes of this paragraph; and

Status: Point in time view as at 18/11/2003.

Changes to legislation: Environment Act 1995, Part II is up to date with all changes known to be in force on or before 20 July 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)

- (d) section 97 shall apply as it applies to a local authority other than a parish or community council.
- (3) Subject to sub-paragraph (4) below, a member of a flood defence committee shall be disqualified, for so long as he remains such a member and for twelve months after he ceases to be such a member, for appointment to any paid office by the Agency or any regional flood defence committee.
- (4) Sub-paragraph (3) above shall not disqualify any person for appointment to the office of chairman of a local flood defence committee.

Marginal Citations

M1 1972 c. 70.

Authentication of documents

- 15 (1) Any notice or other document which a flood defence committee are required or authorised to give, make or issue by or under any enactment may be signed on behalf of the committee by any member of the committee or any officer of the Agency who is generally or specifically authorised for that purpose by a resolution of the committee.
- (2) Any document purporting to bear the signature of a person expressed to be authorised as mentioned in sub-paragraph (1) above shall be deemed, unless the contrary is shown, to be duly given, made or issued by authority of the committee.
- (3) In this paragraph “signature” includes a facsimile of a signature by whatever process reproduced.

Proof and validity of proceedings

- 16 (1) A minute of the proceedings of a meeting of a flood defence committee, purporting to be signed at that or the next ensuing meeting by—
- (a) the chairman of the meeting to the proceedings of which the minute relates, or
 - (b) by the chairman of the next ensuing meeting,
- shall be evidence of the proceedings and shall be received in evidence without further proof.
- (2) Where a minute has been signed as mentioned in sub-paragraph (1) above in respect of a meeting of a committee or sub-committee, then, unless the contrary is shown—
- (a) the meeting shall be deemed to have been duly convened and held;
 - (b) all the proceedings had at any such meeting shall be deemed to have been duly had; and
 - (c) that committee or sub-committee shall be deemed to have been duly constituted and have had power to deal with the matters referred to in the minute.
- (3) The validity of any proceedings of a flood defence committee shall not be affected by any vacancy among the members of the committee or by any defect in the appointment of such a member.

Status:

Point in time view as at 18/11/2003.

Changes to legislation:

Environment Act 1995, Part II is up to date with all changes known to be in force on or before 20 July 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.