

1990 No. 1643

LAND DRAINAGE

The Anglian Regional Flood Defence Committee Order
1990

Made - - - - - 13th July 1990

Coming into force - - - - - 1st August 1990

Whereas—

(1) the National Rivers Authority (hereinafter referred to as “the Authority”) in accordance with section 138(3) of the Water Act 1989(a) (hereinafter referred to as “the 1989 Act”) have submitted to the Minister of Agriculture, Fisheries and Food (hereinafter referred to as “the Minister”) a provisional determination (hereinafter called “the determination”) varying the total number of members of the Anglian Regional Flood Defence Committee (hereinafter referred to as “the committee”) from seventeen to nineteen;

(2) the Minister proposes to confirm the determination;

(3) in accordance with section 138(6) of the 1989 Act, the total number of members of the committee to be appointed under section 137(3)(a) and (b) of that Act shall be one less than the number appointed by or on behalf of constituent councils;

(4) the constituent councils for the committee are the councils of the counties and the London borough specified in the first column of the Schedule to the following Order;

(5) the Minister, in accordance with section 138(7) of the 1989 Act, having had regard to the relevant populations of the relevant areas of each of those constituent councils and the proportion which those populations bear to the aggregate of the relevant populations of the relevant areas of all the constituent councils, considers—

- (a) it is inappropriate that the councils of the counties of Leicestershire, Nottinghamshire and Oxfordshire and of the London borough of Havering (being four of the said constituent councils) should appoint a member of the committee,
- (b) that one member of the committee should be appointed jointly by the councils of the counties of Buckinghamshire and Hertfordshire,
- (c) that one member of the committee should be appointed by each of the councils of the counties of Bedfordshire, Cambridgeshire, Humberside, Lincolnshire, Norfolk, Northamptonshire and Suffolk,
- (d) that two members of the committee should be appointed by the council of the county of Essex;

Now, therefore, the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 138(4), (5), (6) and (7) of the 1989 Act(b) and of every other power enabling him in that behalf, hereby makes the following Order:—

(a) 1989 c.15.

(b) Section 137(11)(b) defines “the appropriate Minister” on whom these powers are conferred, and section 189(1) defines “the Minister”.

Title and commencement

1. This Order may be cited as the Anglian Regional Flood Defence Committee Order 1990 and shall come into force on 1st August 1990.

Constituent councils' appointments of committee members

2.—(1) The determination is hereby confirmed.

(2) The number of members to be appointed to the committee by or on behalf of constituent councils for the committee shall be ten.

(3) The number of members of the committee to be appointed by each of the councils of the counties and the London borough specified in the first column of the Schedule to this Order and by the councils of the pair of counties so specified shall be the number specified in relation to that county, London borough or pair of counties in the second column of that Schedule.

(4) The member to be appointed by the councils of the said pair of counties (namely, Buckinghamshire and Hertfordshire) shall be appointed jointly by those councils.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th July 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

SCHEDULE

Article 2

<i>County</i>	<i>Number of members</i>
Bedfordshire	1
Buckinghamshire and Hertfordshire	1
Cambridgeshire	1
Essex	2
Humberside	1
Leicestershire	None
Lincolnshire	1
Norfolk	1
Northamptonshire	1
Nottinghamshire	None
Oxfordshire	None
Suffolk	1
London Borough Havering	None

EXPLANATORY NOTE

(This note is not part of the Order)

Section 138(2) of the Water Act 1989 (hereinafter called "the Act") provides that the total number of members of a regional flood defence committee of the National Rivers Authority shall not be less than eleven or more than seventeen unless a determination that the total number of such members should be increased is submitted by the National Rivers Authority to the appropriate Minister (in the case of the Anglian Regional Flood Defence Committee, the Minister of Agriculture, Fisheries and Food) under section 138(3) of the Act, and is confirmed by the Minister. Where the total number of members is so increased, the Minister is required by section 138(5) of the Act by Order to specify the number of members to be appointed to the committee by each of the constituent councils for the committee. The total number to be so appointed is required by section 138(6) of the Act to exceed by one the number of the other members of the committee (appointed by the Minister and the National Rivers Authority).

In determining the number of members to be appointed by or on behalf of each constituent council, the Minister is required by section 138(7) of the Act to have regard to the relevant population of any relevant area of that council and the proportion which that population bears to the aggregate of the relevant populations of the relevant areas of all the constituent councils and where, having regard thereto, the Minister considers it inappropriate that a constituent council should appoint a member of the committee, or considers that one or more members should be appointed jointly by that council and one or more other constituent councils, he may by the Order so provide. Section 138(9) of the Act defines "relevant area" and "relevant population". Section 138(8) of the Act makes provision for the appointment of committee members by the Minister himself where constituent councils by whom such appointments are to be made jointly fail to agree.

The National Rivers Authority has determined that the total number of the members of their Anglian Regional Flood Defence Committee should be increased from seventeen to nineteen. This Order, which confirms that determination, specifies as ten the number of members of that committee who are to be appointed by or on behalf of constituent councils and further specifies by which of those councils such members are to be appointed.

These arrangements replace the arrangements originally made in the Anglian Water Authority (Regional Land Drainage Committee) Order 1973 (S.I. 1973/1919) in relation to the predecessor of the Anglian Regional Flood Defence Committee. That order ceased to have effect on the repeal of Schedule 5 to the Water Act 1973(c.37) by the Land Drainage Act 1976 (c.70), but its specification of the number of members to be appointed by constituent councils was continued by section 3(3) of the Land Drainage Act 1976 and, in relation to the Anglian Regional Flood Defence Committee, by section 138(1)(b) of the Water Act 1989. The only change made in the arrangements is the provision for an additional member appointed by Essex County Council.