

1990 No. 1712

LAND DRAINAGE

**The Thames Regional Flood Defence Committee Order
1990**

Made - - - - 18th August 1990

Coming into force 12th September 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 Thames Regional Flood Defence Committee (hereinafter referred to as “the committee”) from twenty-one to twenty-three;

(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 boroughs specified in the first column of the Schedule to the following Order and the Common Council of the City of London;

(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 county councils of Gloucestershire, Northamptonshire, Warwickshire and West Sussex (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 each of the groups of councils for the counties, London boroughs and cities here listed—

- (i) Bedfordshire, Buckinghamshire and Essex;
- (ii) Hampshire, Oxfordshire and Wiltshire;
- (iii) Barking and Dagenham, Havering, Redbridge and Waltham Forest;
- (iv) Bexley, Greenwich, Lewisham, Newham and Tower Hamlets;
- (v) Barnet, Brent, Harrow and Hounslow;
- (vi) Ealing, Hammersmith and Fulham, Hillingdon, the Royal Borough of Kensington and Chelsea, the City of Westminster, and the City of London;
- (vii) Bromley, Croydon, Lambeth and Southwark;
- (viii) Camden, Enfield, Hackney, Haringey and Islington;

(a) 1989 c.15.

(ix) Kingston-upon-Thames, Merton, Richmond-upon-Thames, Sutton and Wandsworth;

(c) that one member of the committee should be appointed by each of the county councils of Berkshire, Hertfordshire and Surrey.

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^(a) and of every other power enabling him in that behalf, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Thames Regional Flood Defence Committee Order 1990 and shall come into force on 12th September 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 twelve.

(3) The number of members of the committee to be appointed by each of the councils of the counties specified in the first column of the Schedule to this Order and by the councils of each group of councils of counties or London boroughs so specified and by the Common Council of the City of London shall be the number specified in relation to each such council or group of councils in the second column of that Schedule.

(4) Where in the said Schedule the number of members to be appointed is specified in relation to a group of councils that number shall be appointed jointly by the councils comprising the group.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th August 1990.



Trumpington
Minister of State, Ministry of Agriculture, Fisheries and Food

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

SCHEDULE

Article 2

<i>Constituent Councils</i>	<i>Number of members</i>
County Councils	
Bedfordshire, Buckinghamshire and Essex	1
Berkshire	1
Hampshire, Oxfordshire and Wiltshire	1
Gloucestershire	None
Hertfordshire	1
Northamptonshire	None
Surrey	1
Warwickshire	None
West Sussex	None
London Councils	
Barking and Dagenham, Havering, Redbridge and Waltham Forest	1
Barnet, Brent, Harrow and Hounslow	1
Bexley, Greenwich, Lewisham, Newham and Tower Hamlets	1
Bromley, Croydon, Lambeth and Southwark	1
Camden, Enfield, Hackney, Haringey and Islington	1
Ealing, Hammersmith and Fulham, Hillingdon, the Royal Borough of Kensington and Chelsea, City of Westminster and Common Council of the City of London	1
Kingston-upon-Thames, Merton, Richmond-upon-Thames, Sutton and Wandsworth	1

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 nor 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 Thames 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 Thames Regional Flood Defence Committee should be increased from twenty-one to twenty-three. This Order, which confirms that determination, specifies as twelve 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 Thames Water Authority (Regional Land Drainage Committee) Order 1974 (S.I. 1974/47) as varied by the Local Government Act 1985 (Thames Water Authority Regional Land Drainage Committee) Order 1986 (S.I. 1986/618) and continued in relation to the Thames Regional Flood Defence Committee by section 138(1) of the Water Act 1989.

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