

2005 No. 1607

LAND DRAINAGE, ENGLAND

The Yorkshire Regional Flood Defence Committee Order 2005

Made - - - - *12th June 2005*

Coming into force - - *1st July 2005*

Whereas—

(1) the Environment Agency has made a determination in accordance with section 16(1) of the Environment Act 1995 (“the Act”)(a), varying the total number of members of the regional flood defence committee specified in article 1 of this Order;

(2) the constituent councils for the committee are the councils specified in column (1) of the Schedule to this Order; and

(3) the Secretary of State considers—

(a) it is inappropriate that the council of any county in relation to which an entry “none” appears in column (2) of the Schedule to this Order should appoint a member of the committee; and

(b) that one member of the committee should be appointed jointly by the councils for any county or metropolitan district in relation to which an entry “one jointly” appears in column (2) of the Schedule to this Order:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon her by section 16(5)(a) and (8) of the Act(b) hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Yorkshire Regional Flood Defence Committee Order 2005 and shall come into force on 1st July 2005.

(2) In this Order “the committee” means the Yorkshire Regional Flood Defence Committee, being the regional flood defence committee established by section 14 of the Environment Act 1995 for which the councils for the counties and metropolitan districts specified in the Schedule to this Order are the constituent councils.

(a) 1995 c. 25.

(b) Sections 15(7) and 16(9) defines “the relevant Minister” and section 56(1) defines “the Minister”. By virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794), the power conferred by section 16(5) is now exercisable by the Secretary of State in relation to any regional flood defence committee the whole or the greater part of which is in England.

Number of members of the committee to be appointed by each constituent council

2.—(1) The number of members to be appointed to the committee by the council or councils of any county^(a) or metropolitan district specified in column (1) of the Schedule shall be the number specified in the corresponding entry in column (2) of the Schedule.

(2) Where more than one county or metropolitan district is specified in any entry in column (1) of the Schedule to this Order, any appointment made to the committee in relation to that entry by the councils for the counties and metropolitan districts specified in that entry shall be made jointly.

Revocation

3. The Yorkshire Regional Flood Defence Committee Order 1996^(b) is revoked.

12th June 2005

Elliot Morley
Minister of State,
Department for Environment, Food and Rural Affairs

(a) By virtue of regulation 5(6) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867), in relation to an area where there is a district council but no county council, any reference in a provision to a county council (or a county), so far as is required for giving effect to the provision, is to be construed as including a reference to a district council (or district).

(b) S.I. 1996/1614.

SCHEDULE

Article 2

NUMBER OF MEMBERS OF COMMITTEE TO BE APPOINTED BY EACH CONSTITUENT COUNCIL OR GROUP OF COUNCILS

<i>(1)</i>	<i>(2)</i>
<i>Constituent Councils</i>	<i>Number of Members((a))</i>
Bradford, Calderdale	One jointly
Derbyshire, Barnsley, Doncaster, Rotherham	One jointly
East Riding of Yorkshire, Kingston upon Hull	One jointly
Kirklees, Wakefield	One jointly
Lancashire	None
Leeds	One
North Yorkshire, York	One jointly
North Yorkshire	One
Nottinghamshire	None
Redcar and Cleveland	None
Sheffield	One

(a) In accordance with section 16(7) of the Environment Act 1995, this Order has been so framed that the total number of members appointed under section 15(1)(a) and (b) of the Act is one less than the number of those appointed by or on behalf of constituent councils.

EXPLANATORY NOTE

(This note is not part of the Order)

Regional flood defence committees of the Environment Agency were established by section 14 of the Environment Act 1995 (“the Act”). Section 15(1) of the Environment Act 1995 provides that each regional flood defence committee shall consist of:–

- (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.

The Environment Agency has determined in accordance with section 16(1) of the Act that the total number of members of the Yorkshire Regional Flood Defence Committee should be increased from thirteen to fifteen members. This Order therefore specifies the number of members of that committee who are to be appointed by each constituent council or group of councils, taking account of the increase in the total number of members. It provides for one member of the Committee to be appointed by North Yorkshire County Council in addition to the member to be appointed jointly by North Yorkshire County Council and City of York Council jointly. Section 16(7) of the Act requires the Order to be framed so that the total number of members appointed by or on behalf of constituent councils exceeds by one the number of other members. The previous order (S.I. 1996/1614) is revoked.

No Regulatory Impact Assessment has been prepared in respect of this Order, as it has no impact on the costs of business.

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