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WELSH STATUTORY INSTRUMENTS

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**2017 No. 827 (W. 199)**

**ENVIRONMENTAL PROTECTION, WALES**

The Flood and Coastal Erosion  
Committee for Wales Regulations 2017

<i>Made</i>	- - - -	<i>7 August 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 August 2017</i>
<i>Coming into force</i>	- -	<i>11 September 2017</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 26B(3), 26C and 26D of the Flood and Water Management Act 2010(1), make the following Regulations.

**PART 1: INTRODUCTION**

**Title and commencement**

1. The title of these Regulations is the Flood and Coastal Erosion Committee for Wales Regulations 2017 and they come into force on 11 September 2017.

**Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Flood and Water Management Act 2010;

“the Committee” (“*y Pwyllgor*”) means the Flood and Coastal Erosion Committee for Wales established pursuant to section 26B(1) of the Act; and

“flood and coastal erosion risk management organisation” (“*sefydliad rheoli perygl llifogydd ac erydu arfordirol*”) means an organisation which is involved, to any extent, in the sector of flood and coastal risk management.

## PART 2: CONSTITUTION

### Membership

3. The Committee will consist of—
- (a) a chairperson (“the Chair”) (see regulation 4); and
  - (b) up to 14 other members (“Committee members”) (see regulation 5).

### Chair

- 4.—(1) The Welsh Ministers must appoint the Chair, in compliance with the Public Appointments Governance Code<sup>(2)</sup>, for such period as specified in an instrument of appointment.
- (2) The terms of the appointment of the Chair must be set out in the instrument of appointment.
  - (3) The Chair may resign by notice in writing to the Welsh Ministers.
  - (4) The Welsh Ministers may terminate the Chair’s appointment before the end of the period specified in the instrument of appointment if they are satisfied that the Chair—
    - (a) has not complied with the terms of the appointment; or
    - (b) is otherwise unable or unfit to continue as the Chair.

### Committee members

- 5.—(1) The Welsh Ministers must appoint up to 14 Committee members for such period as specified in an instrument of appointment.
- (2) Each committee member must be either—
    - (a) an expert on matters deemed relevant by the Welsh Ministers; or
    - (b) a nominated representative of a flood and coastal erosion risk management organisation.
  - (3) Any appointment pursuant to paragraph (2)(a) must comply with the Public Appointments Governance Code<sup>(3)</sup>.
  - (4) The Welsh Ministers must ensure that the Committee includes members drawn from both categories specified in paragraph (2).
  - (5) The terms of the appointment of a Committee member must be set out in the instrument of appointment.
  - (6) A Committee member may resign by notice in writing to the Welsh Ministers.
  - (7) The Welsh Ministers may terminate a Committee member’s appointment before the end of the period specified in the instrument of appointment if they are satisfied that the Committee member—
    - (a) has not complied with the terms of the appointment; or
    - (b) is otherwise unable or unfit to continue as a Committee member.

### Remuneration

6. The Welsh Ministers may pay remuneration and allowances to the Chair and allowances to Committee members.

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(2) The Governance Code on Public Appointments was published in December 2016 by the Commissioner for Public Appointments, and sets out the mandatory regulatory framework by which public appointments are made.

(3) See above.

### **Payment of allowances to the members of a sub-committee**

7. The Welsh Ministers may pay such allowances as are determined by the Chair and approved by the Welsh Ministers to any person appointed to a sub-committee (see regulation 14).

## **PART 3: FUNCTIONS**

### **Scope**

8. Subject to regulation 9, the Committee may advise on any matters relating to flood and coastal erosion risk management.

### **Duties**

9.—(1) The Committee must advise the Welsh Ministers on—

- (a) the management of risk from all sources of flooding and coastal erosion;
- (b) wider resilience and emergency issues from a flood risk management perspective;
- (c) the National Strategy for Flood and Coastal Erosion Risk Management; and
- (d) work being carried out by flood and coastal erosion risk management organisations.

(2) In carrying out its functions under regulation 9(1), the Committee must make such recommendations as they believe are conducive to effective partnership working between Welsh risk management authorities and flood and coastal erosion risk management organisations, in accordance with any guidance published by the Welsh Ministers.

### **Powers**

10. The Committee may—

- (a) establish its own programme of advisory work on flood and coastal erosion risk in Wales;
- (b) advise Welsh risk management authorities on the management of risk from all sources of flooding and coastal erosion;
- (c) advise Welsh risk management authorities on wider resilience and emergency issues from a flood risk management perspective;
- (d) advise Welsh risk management authorities on the National Strategy for Flood and Coastal Erosion Risk Management; and
- (e) enter into agreements with other bodies, subject to the approval of the Welsh Ministers.

### **Meetings**

11.—(1) The Committee must hold its first meeting within 6 months of the coming into force of these Regulations, and subsequent meetings at intervals of no more than 6 months thereafter.

(2) Subject to paragraph (1), the Committee may regulate the frequency of its meetings.

### **Reports**

12.—(1) As soon as is practicable after the end of each reporting period, the Committee must submit to the Welsh Ministers a report on the exercise and performance of its functions during that period.

(2) The report under paragraph (1) must include—

- (a) a summary of the advice which the Committee has provided in that period; and
  - (b) details of membership, sub-committees, meetings, remuneration and allowances provided.
- (3) For the purposes of paragraph (1), “reporting period” means—
- (a) the period beginning with 1 January 2018 and ending with 5 April 2018; and
  - (b) each period of 12 months to 5 April thereafter.

## PART 4: PROCEEDINGS

### **Procedure**

**13.**—(1) Subject to regulation 11 and paragraph (2) of this regulation, the Committee may regulate its own procedure, including making provision in relation to the quorum for its meetings and its voting procedure.

(2) Committee procedure in relation to quorum is subject to the approval of the Welsh Ministers.

### **Sub-committees**

**14.**—(1) The Committee may establish sub-committees by majority vote, to meet on the direction of the Committee.

(2) The terms of reference of a sub-committee are subject to the approval of the Welsh Ministers.

(3) The Committee may regulate the procedure of any sub-committee established by it, including making provision in relation to the quorum for its meetings and its voting procedure.

7 August 2017

*Lesley Griffiths*  
Cabinet Secretary for Environment and Rural  
Affairs, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the Flood and Coastal Erosion Committee for Wales, established under section 26B(1) of the Flood and Water Management Act 2010. The Committee is an independent advisory body to the Welsh Ministers and Welsh risk management authorities on matters relating to flood and coastal erosion risk management.

Regulation 3 sets out the membership of the Committee. Regulations 4 and 5 provide for the Welsh Ministers to appoint a chairperson and members. Regulation 6 enables the Welsh Ministers to pay remuneration to the chairperson and members.

Regulations 8, 9 and 10 set out the scope of the Committee and its duties and powers.

Regulation 14 enables the Committee to establish sub-committees (and regulation 7 enables members of a sub-committee to be paid allowances determined by the chairperson with the approval of the Welsh Ministers).

Regulation 11 requires the Committee to hold meetings, and regulation 12 provides for the Committee to report to the Welsh Ministers.

Regulation 13 enables the Committee to regulate its own procedure, and regulation 14 makes equivalent provision for sub-committees.