

**2011 No. 695**

**COAST PROTECTION, ENGLAND AND WALES**

**ENVIRONMENTAL PROTECTION, ENGLAND AND  
WALES**

**FLOOD RISK MANAGEMENT, ENGLAND AND WALES**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Regional Flood and Coastal Committees (England and  
Wales) Regulations 2011**

<i>Made</i> - - - -	<i>7th March 2011</i>
<i>Laid before Parliament</i>	<i>10th March 2011</i>
<i>Laid before the National Assembly for Wales</i>	<i>10th March 2011</i>
<i>Coming into force</i> - -	<i>1st April 2011</i>

**CONTENTS**

**PART 1**

Preliminary

1.	Citation, commencement and application	3
2.	Interpretation	3

**PART 2**

Division of England and Wales into regions

3.	Map of regions	4
4.	Revised regions	4
5.	Renaming of regions	4

**PART 3**

Establishment of Regional Flood and Coastal Committees

6.	Composition of Committees	5
7.	Number of members of Committees	5
8.	Publication of composition document	5

9.	Variation of composition of a Committee	5
10.	Constituent authority contacts	6

#### PART 4

##### Selection and appointment of members of Regional Flood and Coastal Committees

11.	Eligibility for appointment	6
12.	Appointment of chair	6
13.	Members appointed by constituent authorities	7
14.	Members appointed by the Agency	7

#### PART 5

##### Holding office

15.	Terms of appointment	7
16.	Date of appointment	7
17.	Period of office	8
18.	Resignation from office	8
19.	Removal from office	8
20.	Appointment of acting chair	9
21.	Temporary absence of chair	9
22.	Appointment of replacement member	9
23.	Nomination of deputies	9

#### PART 6

##### Proceedings of Regional Flood and Coastal Committees

24.	Interpretation	10
25.	Quorum and consents	10
26.	Voting procedure	10
27.	Declaration of interest	10
28.	Authentication of documents	11
29.	Proof and validity of proceedings	11

#### PART 7

##### Transitional provisions

30.	Definitions	11
31.	Transitional Committees	11
32.	Continuation of terms for members of transitional Committees	12
33.	Continued existence of transitional Committees	12
34.	Continuation of terms for members of new Committees	13
35.	Isles of Scilly	13

These Regulations are made—

- (a) in relation to English Committees, by the Secretary of State in exercise of the powers conferred by sections 22(2), 24 and 48(2) of the Flood and Water Management Act 2010<sup>(a)</sup>; and
- (b) in relation to Welsh Committees, by the Welsh Ministers in exercise of the powers conferred by sections 22(2), 24 and 48(2) of that Act.

## PART 1

### Preliminary

#### **Citation, commencement and application**

1.—(1) These Regulations—

- (a) may be cited as the Regional Flood and Coastal Committees (England and Wales) Regulations 2011;
- (b) come into force on 1st April 2011; and
- (c) apply in relation to—
  - (i) English Committees, so far as these Regulations are made by the Secretary of State, and
  - (ii) Welsh Committees, so far as these Regulations are made by the Welsh Ministers.

#### **Interpretation**

2.—(1) In these Regulations—

“the 1991 Act” means the Water Resources Act 1991<sup>(b)</sup>;

“the 1995 Act” means the Environment Act 1995<sup>(c)</sup>;

“the 2010 Act” means the Flood and Water Management Act 2010;

“the Agency” means the Environment Agency;

“composition”, in relation to a Regional Flood and Coastal Committee, has the meaning given in regulation 6;

“composition document” means a document published under regulation 8 or 9 specifying the composition of the Regional Flood and Coastal Committee established for a region;

“constituent authority”, in relation to a Regional Flood and Coastal Committee, means a lead local flood authority any part of which is in the region of the Committee;

“eligibility criteria” means the criteria specified in regulation 11(1);

“levy” means a levy issued under section 17(1) of the 2010 Act;

“Regional Flood and Coastal Committee” means a Regional Flood and Coastal Committee established under section 22 of the 2010 Act; and

“transitional Committee” has the meaning given in regulation 31.

(2) In regulations 13, 18, 19, 22 and 23, a reference to the appointment of a member by or on behalf of a constituent authority includes the appointment of a member by or on behalf of—

- (a) a constituent authority representing a group of constituent authorities; and
- (b) a group of constituent authorities.

---

(a) 2010 c. 29. The power to make regulations under sections 22(2) and 24 of the Flood and Water Management Act 2010 is conferred on “the Minister”. Section 26 of that Act defines “the Minister” for the purposes of those sections.

(b) 1991 c. 57.

(c) 1995 c. 25.

## PART 2

### Division of England and Wales into regions

#### Map of regions

3.—(1) As soon as is practicable after the first division of England and Wales into regions for the purposes of section 22 of the 2010 Act, the Agency must publish a map of the regions.

(2) The map must—

- (a) specify the boundaries of the regions;
- (b) name the regions; and
- (c) be published at the same time as or before the Agency publishes the composition documents for the Regional Flood and Coastal Committees established for those regions.

#### Revised regions

4.—(1) The Agency may, before 1st December in any financial year, revise the boundaries of existing regions (“old regions”) to create new regions.

(2) A revision of the regions does not take effect unless the Agency—

- (a) has consulted with interested persons for a period of not less than 6 weeks in relation to the proposed revision; and
- (b) has taken account of any representations.

(3) A revision takes effect when the Agency publishes—

- (a) a map of England and Wales—
  - (i) specifying the boundaries of the revised regions, and
  - (ii) naming the regions; and
- (b) the composition documents for the Regional Flood and Coastal Committees established for the new regions.

(4) Before a revision in any financial year takes effect, the Regional Flood and Coastal Committee for each old region must have consented to—

- (a) the issue of any levy for that region for that financial year; and
- (b) the spending of any revenue under section 118 of the 1991 Act<sup>(a)</sup> for that region for that financial year.

(5) A revision may not take effect on or after 1st December in any financial year.

(6) On the establishment of the Committees for the new regions, the Committees for the old regions are abolished.

#### Renaming of regions

5.—(1) The Agency may rename a region at any time.

(2) As soon as is practicable after renaming a region, the Agency must—

- (a) notify all Regional Flood and Coastal Committees of the change of name;
- (b) republish the map of the regions specifying the new name of the region; and
- (c) amend the composition document for the Committee established for that region to specify the new name of the region.

---

(a) Section 118 of the Water Resources Act 1991 (c. 57) is amended by paragraph 43 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

## PART 3

### Establishment of Regional Flood and Coastal Committees

#### Composition of Committees

6.—(1) The composition of a Regional Flood and Coastal Committee is to consist of—

- (a) a chair appointed by the Minister;
- (b) persons appointed by or on behalf of—
  - (i) a constituent authority,
  - (ii) a constituent authority representing a group of constituent authorities, or
  - (iii) a group of constituent authorities; and
- (c) persons appointed by the Agency.

(2) A group of constituent authorities must agree which constituent authority is to appoint a member under paragraph (1)(b)(ii).

(3) If the group of constituent authorities fails to agree which constituent authority is to appoint a member, the Minister may decide which constituent authority is to appoint the member.

#### Number of members of Committees

7.—(1) The total number of members of each Regional Flood and Coastal Committee must—

- (a) be at least 11; and
- (b) not exceed 25 or any higher number that the Minister approves.

(2) The total number of members appointed under regulation 6(1)(c) must not exceed 11 or any higher number that the Minister approves.

(3) The Agency may not issue a levy to constituent authorities in a region for a financial year unless the total number of members appointed under regulation 6(1)(b) is at least one more than the sum of the number of members appointed under regulations 6(1)(a) and (c).

#### Publication of composition document

8.—(1) A Regional Flood and Coastal Committee is established for a region when the Agency publishes a document specifying—

- (a) the region for which the Committee is established; and
- (b) the composition of the Committee.

(2) The Agency may not publish a document under paragraph (1) (“composition document”) unless the composition of the Committee has been approved by the Minister.

(3) The Minister may require a change to the proposed composition of a Committee before approving the composition.

(4) The Agency must publish a composition document for each region before 1st December 2011.

#### Variation of composition of a Committee

9.—(1) Before 1st December in any financial year, the Agency may, on its own initiative or at the request of a Regional Flood and Coastal Committee, vary the composition of the Committee.

(2) Subject to paragraph (3), a variation takes effect when the Agency publishes a document specifying the matters mentioned in regulation 8(1).

(3) The variation does not take effect unless—

- (a) the Agency has—

- (i) consulted with interested persons for a period of not less than 6 weeks in relation to the variation to the composition of the Committee, and
  - (ii) taken account of any representations; and
- (b) the varied composition has been approved by the Minister.
- (4) The Minister may require a change to the proposed varied composition of a Committee before approving the varied composition.
- (5) The Agency may not issue a levy to constituent authorities in a region for a financial year if the composition of the Committee for that region is varied on or after 1st December in the financial year preceding that for which the levy is issued.

### **Constituent authority contacts**

**10.**—(1) Before 1st December in any financial year, the Regional Flood and Coastal Committee must obtain from each constituent authority in its region the name and contact details for a person authorised by the constituent authority to liaise with the Committee in relation to the business of the Committee (“official contact details”).

(2) The Regional Flood and Coastal Committee must keep a list of the official contact details for all constituent authorities in its region.

(3) As soon as is practicable after any change to the official contact details for a constituent authority, the constituent authority must inform the Committee of the change.

## **PART 4**

### **Selection and appointment of members of Regional Flood and Coastal Committees**

#### **Eligibility for appointment**

**11.**—(1) The following criteria must be satisfied before a person is appointed as a member of a Regional Flood and Coastal Committee—

- (a) the person is of good character and sound financial reputation;
- (b) the person is not an employee of—
  - (i) the Agency,
  - (ii) the Department for Environment, Food and Rural Affairs, or
  - (iii) the Welsh Assembly Government;
- (c) the person is not a Member of Parliament or a Member of the National Assembly for Wales.

(2) The criterion in paragraph (1)(a) is not satisfied if—

- (a) the person is bankrupt or has an existing arrangement with creditors;
- (b) within the 5 years immediately before the proposed date of appointment, the person has served a sentence of imprisonment for a period of 3 months or more.

#### **Appointment of chair**

**12.**—(1) The Minister may invite applications for appointment to the office of chair of a Regional Flood and Coastal Committee.

(2) The Minister may appoint as chair a person who—

- (a) satisfies the eligibility criteria; and
- (b) in the opinion of the Minister, is suitably qualified to hold office as chair.

(3) The method of selection and appointment must comply with relevant principles relating to public appointments.

### **Members appointed by constituent authorities**

**13.**—(1) A constituent authority may appoint as a member of a Regional Flood and Coastal Committee any person who—

- (a) satisfies the eligibility criteria; and
- (b) has knowledge and experience relevant to the business of the Committee.

(2) The method of selection and appointment must comply with relevant principles relating to public appointments.

(3) If a person appointed as a member of a Regional Flood and Coastal Committee is an elected member of a constituent authority, and that person ceases to be an elected member of the constituent authority, the person ceases to be a member of the Regional Flood and Coastal Committee—

- (a) at the end of the period of 3 months beginning with the day on which the person ceased to be an elected member of the constituent authority; or
- (b) on any earlier date if the member resigns, is removed from office or a replacement member is appointed.

### **Members appointed by the Agency**

**14.**—(1) The Agency may invite applications for appointment as a member of a Regional Flood and Coastal Committee.

(2) The Agency may appoint as a member of a Regional Flood and Coastal Committee any person who—

- (a) satisfies the eligibility criteria; and
- (b) has knowledge and experience relevant to the business of the Committee.

(3) The Agency must appoint to each Committee—

- (a) a person with experience in nature conservation and wider environmental issues; and
- (b) if the region of the Committee has a coastline, a person with knowledge of coastal processes.

(4) The method of selection and appointment must—

- (a) be agreed with the chair of the Committee; and
- (b) comply with relevant principles relating to public appointments.

## **PART 5**

### **Holding office**

#### **Terms of appointment**

**15.** A member of a Regional Flood and Coastal Committee is to hold and vacate office in accordance with the terms of appointment or re-appointment.

#### **Date of appointment**

**16.** The date of appointment of a member of a Regional Flood and Coastal Committee is—

- (a) if the member was a member of a transitional Committee immediately before the appointment to the Regional Flood and Coastal Committee, the date of appointment determined under the transitional provisions in Part 7;
- (b) for any other person appointed as a member of the first Regional Flood and Coastal Committee established for a region under section 22(1) of the 2010 Act, the day on which the Committee is established in accordance with regulation 8;

- (c) for a person appointed or re-appointed as a member of a Regional Flood and Coastal Committee after that date, the date of appointment specified in the instrument of appointment or re-appointment.

### **Period of office**

**17.**—(1) A member of a Regional Flood and Coastal Committee—

- (a) may hold office for an initial term of up to 4 years beginning with the date of appointment; and
- (b) may be re-appointed for a second or subsequent term of up to 4 years beginning with the date of re-appointment if the person continues to meet—
  - (i) the eligibility criteria, and
  - (ii) any performance requirements set out in the terms of appointment.

(2) Subject to paragraphs (3) and (4), a member of a Regional Flood and Coastal Committee may not hold office for a continuous period of more than 10 years beginning with the date of appointment.

(3) An elected member of a constituent authority who is appointed as a member of a Regional Flood and Coastal Committee may hold office until the end of the period of 3 months beginning with the day on which the person ceases to be an elected member of the constituent authority.

(4) A member of a Regional Flood and Coastal Committee who is appointed as chair of the Committee may not hold the office of chair for a continuous period of more than 10 years.

### **Resignation from office**

**18.**—(1) A member of a Regional Flood and Coastal Committee may at any time resign from office by written notice addressed and delivered to—

- (a) for a person appointed as chair, the Minister;
- (b) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member; or
- (c) for a member appointed under regulation 6(1)(c), the Agency.

(2) A notice under paragraph (1) must be copied to the Committee.

### **Removal from office**

**19.**—(1) A member of a Regional Flood and Coastal Committee may be removed from office by written notice addressed and delivered to that member by—

- (a) for a person appointed as chair, the Minister;
- (b) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member; or
- (c) for a member appointed under regulation 6(1)(c), the Agency.

(2) A notice under paragraph (1) must—

- (a) state which condition for removal from office has been met; and
- (b) be copied to the Committee.

(3) The conditions for removal from office are—

- (a) the member no longer satisfies the eligibility criteria;
- (b) while in office, the member has been convicted of an offence and sentenced to imprisonment for a period of 3 months or more;
- (c) the member is unable to carry out membership duties because of illness;
- (d) the member has been absent from meetings of the Committee for a period of 6 consecutive months without the approval of the Committee;

- (e) in the opinion of the person giving the notice, the member has become unable, unfit or unsuitable to discharge membership duties.

#### **Appointment of acting chair**

**20.**—(1) If the chair of a Regional Flood and Coastal Committee resigns, is removed from office or is unable to act, the Minister may appoint another person to act in place of the chair if the person—

- (a) satisfies the eligibility criteria; and
  - (b) in the opinion of the Minister, is suitably qualified to hold office as chair.
- (2) An appointment under paragraph (1) may be for a period of up to 6 months.
- (3) For the period that a person acts as chair, the person is taken to be the chair.

#### **Temporary absence of chair**

**21.**—(1) A chair who is to be absent from a meeting of a Regional Flood and Coastal Committee may appoint another member of the Committee to chair the meeting.

(2) If a chair is absent from a meeting and has not appointed another member to chair the meeting, the Committee may appoint another member to chair the meeting.

#### **Appointment of replacement member**

**22.** If a member of a Regional Flood and Coastal Committee (other than the chair) resigns, is removed from office or ceases to be a member under regulation 13(3)—

- (a) for a member appointed under regulation 6(1)(b), the constituent authority that appointed the member must as soon as is practicable appoint another person as a member in accordance with regulation 13; and
- (b) for a member appointed under regulation 6(1)(c), the Agency must as soon as is practicable appoint another person as a member in accordance with regulation 14.

#### **Nomination of deputies**

**23.**—(1) A constituent authority of a Regional Flood and Coastal Committee may, by written notice to the chair, nominate a person to act as a deputy for a member appointed by the constituent authority.

- (2) A person may be nominated to act as a deputy for the purpose of—
  - (a) a particular meeting of the Committee; or
  - (b) all meetings of the Committee during a period agreed by the Committee.
- (3) The Committee may not accept the nomination of a person unless the person—
  - (a) satisfies the eligibility criteria; and
  - (b) has knowledge and experience relevant to the business of the Committee.
- (4) A person nominated to act as a deputy—
  - (a) may not act as a deputy unless the Committee has accepted the nomination; and
  - (b) may only act as a deputy for one member.
- (5) The constituent authority may revoke a nomination by written notice to the Committee.

## PART 6

### Proceedings of Regional Flood and Coastal Committees

#### Interpretation

**24.** In this Part, “member” includes a person acting as the deputy of that member.

#### Quorum and consents

**25.—**(1) The quorum for any meeting of a Regional Flood and Coastal Committee is the majority of the total number of members of the Committee.

(2) A consent given for the purpose of section 23(2), (3) or (4) of the 2010 Act may only be given at a meeting of a Committee.

(3) For the purpose of section 23(2) of the 2010 Act, a Committee consents to the implementation of the regional programme if the majority of the members present at the meeting are in favour.

(4) For the purpose of section 23(3) of the 2010 Act, a Committee consents to the issue of a levy if a majority of the members who are entitled to vote are present at the meeting and are in favour.

(5) For the purpose of section 23(4) of the 2010 Act, a Committee consents to the spending of revenue under section 118 of the 1991 Act<sup>(a)</sup> if the majority of the members present at the meeting are in favour.

#### Voting procedure

**26.—**(1) Each member of a Regional Flood and Coastal Committee who is entitled to vote has one vote.

(2) A member who is entitled to vote may only vote if present at a meeting of the Committee.

(3) For the purpose of section 23(3) of the 2010 Act, only members appointed to a Committee under regulation 6(1)(b) are entitled to vote on a motion that the Committee consent to the issue of a levy.

(4) If there is a tied vote on any motion other than a motion that the Committee consent to the issue of a levy, the chair of the Committee has a casting vote.

#### Declaration of interest

**27.—**(1) A member of a Regional Flood and Coastal Committee must immediately disclose any direct or indirect interest in any contract or other matter proposed or discussed at a meeting of the Committee, and the disclosure must be recorded in the minutes of the meeting.

(2) A member who has disclosed an interest in a contract must not take part in any discussion or decision of the Committee on that contract, but the member may be taken into account for the purpose of constituting a quorum of the Committee.

(3) A person who ceases to be a member of a Regional Flood and Coastal Committee may not be appointed to any paid office by the Agency within the first 12 months after ceasing to be a member.

(4) In this regulation, appointment to “paid office” does not include appointment as—

- (a) a chair of any committee of the Agency; or
- (b) a member of the Board of the Agency.

---

(a) Section 118 of the Water Resources Act 1991 (c. 57) is amended by paragraph 43 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29).

### **Authentication of documents**

**28.**—(1) Any notice or other document which a Regional Flood and Coastal Committee is 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) is deemed, unless the contrary is shown, to be duly given, made or issued by authority of the Committee.

(3) In this regulation, “signature” includes a facsimile of a signature by whatever process reproduced.

### **Proof and validity of proceedings**

**29.**—(1) A minute of the proceedings of a meeting of a Regional Flood and Coastal Committee purporting to be signed at the meeting by the chair of the meeting, or at the next meeting by the chair of the next meeting, is evidence of the proceedings and is admissible in evidence without further proof.

(2) A minute signed in accordance with paragraph (1) is evidence that—

- (a) the meeting was duly convened and held;
- (b) the proceedings recorded in the minute took place; and
- (c) resolutions passed at the meeting were properly passed.

(3) The validity of any proceedings of a Regional Flood and Coastal Committee are not affected by any defect in the appointment of a member.

## **PART 7**

### **Transitional provisions**

#### **Definitions**

**30.** In this Part—

“constituent councils” has the meaning given in section 15(6) of the 1995 Act;

“new Committee” means a Regional Flood and Coastal Committee established following the first division of England and Wales into regions for the purposes of section 22 of the 2010 Act;

“old Committee” has the meaning given in regulation 31; and

“specified area” means—

- (a) in relation to a regional flood defence committee established under section 14 of the 1995 Act, the area of that committee as varied by any order under Schedule 4 to the 1995 Act, or
- (b) in relation to a regional flood defence committee established by order under that Schedule, the area specified in that order as amended by any subsequent order under that Schedule.

#### **Transitional Committees**

**31.**—(1) On the coming into force of these Regulations, a regional flood defence committee established under the 1995 Act for a specified area and in existence on 31st March 2011 (“old Committee”) continues in existence as if it were established as a Regional Flood and Coastal Committee for a region covering the same area (“transitional Committee”).

(2) Subject to regulation 35 (Isles of Scilly)—

- (a) the specified area of an old Committee is taken to be the region of the transitional Committee; and
- (b) the constituent councils of an old Committee are taken to be the constituent authorities of the transitional Committee.

(3) Despite the requirement under section 23(1) of the 2010 Act to consult a Regional Flood and Coastal Committee, the Agency may exercise its flood and coastal erosion risk management functions in the region of a transitional Committee before 1st July 2011 without consulting the transitional Committee.

(4) A transitional Committee may consent to the implementation of the regional programme for its region under section 23(2) of the 2010 Act, but the Agency may implement the regional programme before 1st July 2011 without that consent.

(5) If the requirement for an old Committee to give special consent to the issue of a levy under regulations made under section 74 of the Local Government Finance Act 1988(a) for its specified area for the financial year beginning with 1st April 2011 is not given by that date, that requirement is satisfied if the transitional Committee consents to the issue of a levy for its region for that financial year.

(6) A transitional Committee may consent to the spending of revenue under section 118 of the 1991 Act in its region in the financial year beginning with 1st April 2011.

### **Continuation of terms for members of transitional Committees**

**32.**—(1) The members and chair of an old Committee are taken to be the members and chair of the transitional Committee.

(2) The terms of appointment of a member of an old Committee continue to have effect for so long as the member holds office in the transitional Committee.

(3) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay remuneration and allowances to a person who, immediately before the coming into force of these Regulations was the chair of an old Committee, continues for so long as the person is the chair of the transitional Committee.

(4) Any arrangement under paragraph 10 of Schedule 5 to the 1995 Act for the Agency to pay allowances to a person who, immediately before the coming into force of these Regulations was a member of an old Committee, continues for so long as the person is a member of the transitional Committee.

(5) For the purpose of calculating the period of office under regulation 17, the date a person was appointed as a member or chair of an old Committee is taken to be the date of appointment to the transitional Committee.

### **Continued existence of transitional Committees**

**33.** A transitional Committee continues in existence until a new Committee is established for the region of the transitional Committee or for any part of that region.

---

(a) See the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61). “Special consent” has the meaning given in section 46(7) of the Land Drainage Act 1976 (c. 70). Sections 45 to 47 of that Act were repealed by section 3 of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (1991 c. 60) but, by virtue of paragraph 2(5) of Part 1 of Schedule 2 to that Act, their repeal does not affect the operation of those sections so far as they have effect under any subordinate legislation made under the Local Government Finance Act 1988 (c. 41) and section 149 of the Local Government and Housing Act 1989 (c. 42) for the purpose of or in connection with the issue of levies by the Environment Agency. Sections 46 and 47 of the Land Drainage Act 1976 (c. 70) have effect under the Environment Agency (Levies) Regulations 1993 (S.I. 1993/61).

### **Continuation of terms for members of new Committees**

34. If a person who was originally appointed as a member or chair of an old Committee continued as a member or chair of a transitional Committee and is appointed as a member or chair of a new Committee—

- (a) the terms of appointment of the person as a member or chair of the old Committee continue to have effect for so long as the person holds office in the new Committee;
- (b) any arrangement under the 1995 Act for payment of the member continues for so long as the person holds office in the new Committee; and
- (c) for the purpose of calculating the period of office under regulation 17, the date the person was appointed as a member or chair of the old Committee is taken to be the date of appointment to the new Committee.

### **Isles of Scilly**

35.—(1) On the coming into force of these Regulations—

- (a) the Isles of Scilly form part of the region of the transitional Committee of which the County of Cornwall is a constituent authority; and
- (b) the Council of the Isles of Scilly is taken to be a constituent authority of that transitional Committee.

(2) But that transitional Committee may not consent to the spending of revenue under section 118 of the 1991 Act in the Isles of Scilly in the financial year beginning with 1st April 2011.

(3) The inclusion of the Council of the Isles of Scilly as a constituent authority of a transitional Committee by virtue of regulation 35(1)(b) does not alter the number of members of that transitional Committee.

(4) Before 1st December 2011, the Agency must establish a Regional Flood and Coastal Committee that includes the Council of the Isles of Scilly as a constituent authority.

7th March 2011

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

6th March 2011

*Jane Davidson*  
Minister for Environment, Sustainability and Housing  
one of the Welsh Ministers

### **EXPLANATORY NOTE**

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

These Regulations make provision for the procedure to be followed by the Environment Agency when dividing England and Wales into regions under section 22(1)(a) of the Flood and Water Management Act 2010 (c. 29). They also make provision about appointment of members to Regional Flood and Coastal Committees and proceedings of those Committees.

Part 2 relates to the division of England and Wales into regions, and the procedure for revising and renaming the regions.

Part 3 provides for the composition of Regional Flood and Coastal Committees and the procedure for varying the composition of a Committee.

Part 4 deals with the selection and appointment of members to Regional Flood and Coastal Committees including eligibility criteria, appointment of the chair by the Minister, appointment of members by constituent authorities and appointment of members by the Environment Agency.

Part 5 sets out details about holding office as a member of a Regional Flood and Coastal Committee: terms and date of appointment, period of office, resignation or removal from office, appointment of acting chair or temporary chair, and nomination of deputies for members representing constituent authorities.

Part 6 makes provision about proceedings of Regional Flood and Coastal Committees. These include provisions on quorum and consent, voting procedure, declarations of interest, authentication of documents and proof and validity of proceedings.

Part 7 makes transitional provision with respect to the establishment of Regional Flood and Coastal Committees in place of regional flood defence committees. It makes specific provision for the inclusion of the Isles of Scilly in a region.

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the website of the Department for Environment, Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk) and is published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).