



# Environment Act 1995

## 1995 CHAPTER 25

### PART I

#### THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

### CHAPTER I

#### THE ENVIRONMENT AGENCY

##### *Advisory committees*

#### **11 Advisory committee for Wales**

- (1) The Secretary of State shall establish and maintain a committee for advising him with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Agency's functions.
- (2) The committee shall consist of such persons as may from time to time be appointed by the Secretary of State.
- (3) The committee shall meet at least once a year.
- (4) The Secretary of State may pay to the members of the committee such sums by way of reimbursement (whether in whole or in part) for loss of remuneration, for travelling expenses and for other out-of-pocket expenses as he may determine.

#### **12 Environment protection advisory committees**

- (1) It shall be the duty of the Agency—
  - (a) to establish and maintain advisory committees, to be known as Environment Protection Advisory Committees, for the different regions of England and Wales;

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- (b) to consult the advisory committee for any region as to any proposals of the Agency relating generally to the manner in which the Agency carries out its functions in that region; and
  - (c) to consider any representations made to it by the advisory committee for any region (whether in response to consultation under paragraph (b) above or otherwise) as to the manner in which the Agency carries out its functions in that region.
- (2) The advisory committee for any region shall consist of—
- (a) a chairman appointed by the Secretary of State; and
  - (b) such other members as the Agency may appoint in accordance with the provisions of the approved membership scheme for that region.
- (3) In appointing the chairman of any advisory committee, the Secretary of State shall have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee.
- (4) The members of advisory committees appointed by virtue of subsection (2)(b) above—
- (a) must not be members of the Agency; but
  - (b) must be persons who appear to the Agency to have a significant interest in matters likely to be affected by the manner in which the Agency carries out any of its functions in the region of the advisory committee in question.
- (5) The duty imposed by subsection (1)(a) above to establish and maintain advisory committees is a duty to establish and maintain an advisory committee for each area which the Agency considers it appropriate for the time being to regard as a region of England and Wales for the purposes of this section.
- (6) It shall be the duty of the Agency, in determining the regions for which advisory committees are established and maintained under this section, to ensure that one of those regions consists wholly or mainly of, or of most of, Wales.
- (7) For the purposes of this section, functions of the Agency which are carried out in any area of Scotland, or of the territorial sea, which is adjacent to any region for which an advisory committee is maintained, shall be regarded as carried out in that region.
- (8) Schedule 3 to this Act shall have effect with respect to advisory committees.
- (9) In this section—
- “advisory committee” means an advisory committee under this section;
  - “approved membership scheme” means a scheme, as in force for the time being, prepared by the Agency and approved (with or without modification) by the Secretary of State under Schedule 3 to this Act which makes provision with respect to the membership of the advisory committee for a region.

### **13 Regional and local fisheries advisory committees**

- (1) It shall be the duty of the Agency—
- (a) to establish and maintain advisory committees of persons who are not members of the Agency but appear to it to be interested in salmon fisheries, trout fisheries, freshwater fisheries or eel fisheries in the different parts of the controlled area; and

- (b) to consult those committees as to the manner in which the Agency is to perform its duty under section 6(6) above.
- (2) If the Agency, with the consent of the Ministers, so determines, it shall also be under a duty to consult those committees, or such of them as may be specified or described in the determination, as to—
  - (a) the manner in which it is to perform its duties under or by virtue of such of the enactments relating to recreation, conservation or navigation as may be the subject of the determination, or
  - (b) such matters relating to recreation, conservation or navigation as may be the subject of the determination.
- (3) Where, by virtue of subsection (2) above, the Agency is under a duty to consult those committees or any of them, there may be included among the members of the committees in question persons who are not members of the Agency but who appear to it to be interested in matters—
  - (a) likely to be affected by the manner in which it performs the duties to which the determination in question relates, or
  - (b) which are the subject of the determination,if the Ministers consent to the inclusion of persons of that description.
- (4) The duty to establish and maintain advisory committees imposed by subsection (1) above is a duty to establish and maintain—
  - (a) a regional advisory committee for each such region of the controlled area as the Agency considers it appropriate for the time being to regard as a region of that area for the purposes of this section; and
  - (b) such local advisory committees as the Agency considers necessary to represent—
    - (i) the interests referred to in subsection (1)(a) above, and
    - (ii) where persons may be appointed members of those committees by virtue of subsection (3) above by reference to any such interests as are mentioned in that subsection, the interests in question,in the different parts of each such region.
- (5) It shall be the duty of the Agency in determining the regions for which regional advisory committees are established and maintained under this section to ensure that one of those regions consists (apart from territorial waters) wholly or mainly of, or of most of, Wales.
- (6) In addition to any members appointed under the foregoing provisions of this section, there shall, in the case of each regional advisory committee established and maintained under this section, also be a chairman appointed—
  - (a) by the Secretary of State, in the case of the committee established and maintained for the region described in subsection (5) above; or
  - (b) by the Minister, in any other case.
- (7) There shall be paid by the Agency—
  - (a) to the chairman of any regional or local advisory committee established and maintained under this section such remuneration and such travelling and other allowances; and

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- (b) to any other members of that committee such sums by way of reimbursement (whether in whole or in part) for loss of remuneration, for travelling expenses or for any other out-of-pocket expenses,  
as may be determined by one of the Ministers.
- (8) In this section “the controlled area” means the area specified in section 6(7) above in respect of which the Agency carries out functions under section 6(6) above and Part V of the 1991 Act.