
WELSH STATUTORY INSTRUMENTS

2002 No. 784 (W.85)

ENVIRONMENTAL PROTECTION, WALES

The Advisory Committee for Wales
(Environment Agency) Abolition Order 2002

Made - - - - 21st March 2002

Coming into force - - 1st April 2002

WHEREAS section 28(1) of and part 1 of Schedule 4 to the Government of Wales Act 1998(1), (“the 1998 Act”) empower the National Assembly for Wales (“the National Assembly”) to transfer to the National Assembly the statutory functions of the Committee (“the Advisory Committee”) established under section 11(1) of the Environment Act 1995(2) (“the 1995 Act”);

AND WHEREAS the National Assembly considers that the statutory functions of the Advisory Committee, namely the functions of advising the National Assembly with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Environment Agency’s functions, are functions which require advice to be given to the National Assembly itself, and therefore fall within section 28(2)(a) of the 1998 Act;

NOW THEREFORE the National Assembly, in exercise of its powers under section 28 of and part 1 of Schedule 4 to the 1998 Act hereby makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Advisory Committee for Wales (Environment Agency) Abolition Order 2002.

(2) This Order comes into force on 1st April 2002.

(3) In this Order “The Advisory Committee” (“*y Pwyllgor Ymgynghorol*”) means the committee established under section 11 of the 1995 Act to advise with respect to matters affecting or otherwise connected with, the carrying out in Wales of the Environment Agency’s functions.

(4) This Order applies to Wales.

Abolition of the Advisory Committee and consequential provisions

2.—(1) The Advisory Committee and its functions are abolished.

(2) Section 11 of the 1995 Act is repealed.

(1) 1998 c. 38.
(2) 1995 c. 25.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) All property or rights to which the Advisory Committee is entitled and any liabilities to which the Advisory Committee is subject are transferred to the National Assembly.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

21st March 2002

D. Elis-Thomas
The Presiding Officer of the Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

Section 11 of the Environment Act 1995 (“the 1995 Act”) established a Committee (“the Advisory Committee”) for advising the Secretary of State with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Environment Agency’s functions.

The effect of Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 is that the Advisory Committee is now required to advise the National Assembly for Wales (“the National Assembly”).

The Advisory Committee is specified in Part I of Schedule 4 of the Government of Wales Act 1998 (“the 1998 Act”) as a body whose statutory functions the National Assembly may, by Order under section 28(1) of the 1998 Act, transfer to the National Assembly itself.

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to the National Assembly if the function requires something to be done in relation to the National Assembly (in this case a function of advising the National Assembly itself).

Section 28(3) of the 1998 Act provides that the National Assembly may by Order abolish a body specified in Part I of Schedule 4 of the 1998 Act if each of the statutory functions of the body are transferred or abolished.

Section 28(4) of the 1998 Act provides that an Order made under section 28(3) may include provision for the transfer of any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions including the repeal of enactments.

The effect of articles 2(1) and 2(2) of this Order is to abolish the Advisory Committee and to repeal the statutory provision under which the Committee was established. It is intended that the National Assembly will in future inform itself directly in relation to those matters on which the National Assembly was previously advised by the Advisory Committee.

Any property, rights or liabilities of the Advisory Committee are, by article 2(3), transferred to the National Assembly.