

Report on the Legislative Consent Memorandum for the Rivers Authorities and Land Drainage Bill

April 2019

Introduction

1. The Climate Change, Environment and Rural Affairs Committee (the Committee) of the National Assembly for Wales considered the Legislative Consent Memorandum for the Rivers Authorities and Land Drainage Bill (the Bill) at its meeting of 3 April 2019.

Background

2. On 15 March 2019, the Minister for Environment, Energy and Rural Affairs laid a Legislative Consent Memorandum for the Bill.

3. On 19 March 2019, the Business Committee referred the LCM to this Committee for consideration, and set a reporting deadline of 25 April 2019.

4. A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Bill (as outlined in the LCM) has been scheduled for debate in Plenary on 30 April 2019.

Overview of the Bill

5. The Bill is a Private Member's Bill. It was introduced in the House of Commons on 5 March 2018.

6. The first policy objective of the Bill, which only relates to England, is to provide the Secretary of State for Defra with powers to establish new bodies known as "Rivers Authorities". This does not require legislative consent.



7. The second policy objective, which relates to Wales, is to address a current obstacle to the raising of the expenses of certain Internal Drainage Boards (IDBs) under the Land Drainage Act 1991.

Provisions in the Bill for which consent is sought

8. The consent of the Assembly is being sought for the following provisions.

Clause 2: Valuation of other land in drainage district

9. This clause amends section 37 of the Land Drainage Act 1991 to enable the Secretary of State to make regulations which establish an alternative methodology for the calculation of the value of other land in an internal drainage district.

10. This clause also makes consequential amendments to other provisions in the 1991 Act and to section 83 of the 2016 Act.

Clause 4: Valuation of agricultural land in drainage district

11. This clause provides the Welsh Ministers and the Secretary of State with the power to make regulations which may establish an alternative methodology for the calculation of the value of chargeable property (agricultural land and buildings) in an internal drainage district. These regulations would be subject to the affirmative procedure in the National Assembly for Wales.

Reasons for making these provisions for Wales in a UK Bill

12. The LCM sets out the Welsh Government's reasons for making these provisions for Wales in the Bill:

“It is the view of the Welsh Government that it is appropriate to deal with the provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales.”

Our view

13. The Committee noted that the Welsh Government believes that the Bill is an appropriate legislative vehicle to implement these changes and that there will be no financial implications for the Welsh Government arising from the Bill.

14. The Committee found no reason to object to the Assembly agreeing the Legislative Consent Motion associated with the Memorandum.