

Somerset Rivers Authority Joint Scrutiny Panel paper

SRA Precepting Legislation update

RECOMMENDATION

The SRA Joint Scrutiny Panel is asked to:

1. Consider and comment on the latest position in relation to progress of the Rivers Authorities and Land Drainage Bill.

Purpose of the item

To update the Panel on progress towards securing the passing of legislation enabling the SRA to be put on a sound legal and financial footing to become a precepting authority.

Background and context

Since the inception of the Somerset Rivers Authority as an unincorporated association, it was always the aim of the SRA partners to secure the long-term future of the SRA by putting it on a sound legal and financial basis. The Government committed itself to passing legislation necessary to secure the future of the SRA; the Department of Environment, Food and Rural Affairs (Defra) drafted the Rivers Authorities and Land Drainage (RALD) Bill¹.

This Bill would give the Secretary of State the power to create Rivers Authorities (RA) as major precepting and flood risk management authorities. Defra was unable to secure government time to take the Bill through Parliament. The decision was therefore taken to move the Bill as a Private Members' Bill rather than a government Bill.

David Warburton MP presented the Rivers Authorities and Land Drainage Bill to the House of Commons (HofC) on 6 March 2018 (First Reading). The Bill eventually completed all stages² in the HofC on 15 March 2019 and moved to the House of Lords (HofL).

The Bill was presented to the Lords by Lord Bethell on 18 March and passed its 2nd Reading on 16 May. The Bill received support from all parties and cross-benchers. There were several detailed interventions in the debate. Themes emerged around ensuring appropriate accountability, consultation, environmental responsibilities and climate change amongst others.

Current Status

The next stage will be Committee Stage in HofL. On 4 June the Delegated Powers and Regulatory Reform Committee (DPRRC) published a report challenging whether the Private

¹ [Detailed RALD Bill Information](#)

² Diagram of stages of a Bill's progress shown at the end of this document.

Members' Bill is the correct approach for the RALD Bill. This has resulted in a date for committee stage being delayed. The report conclusion is set out below:

We were not only surprised but concerned at the proposals in this Bill. It is an attempt, upon flimsy grounds, to set aside the procedures which Parliament has put in place to protect the interests of citizens who would be unfairly affected by legislation. It would authorise the issuing of precepts—in effect, taxation—in a way which would be unaccountable and unscrutinised. It would allow the framing of Ministerial guidance in a way which would have legislative effect, without Parliamentary scrutiny. It would allow rules in primary legislation about the valuation of agricultural property to be replaced wholesale by statutory instrument with no requirement for consultation or other procedures for protecting private interests. And in order to set up one rivers authority in one part of England it would make provision for this approach to be replicated in every part of the country.

Next Steps

The DPRRC offers 'advice to the House' and does not in itself dictate whether legislation should or should not proceed. The committee's report has raised some important points which will need to be addressed to give Peers the comfort they need to support the Bill progressing in its current form. David Warburton MP is currently working with Defra officials to respond to the DPRRC report.

The RALD Bill is the Primary Legislation that empowers the SoS to create Rivers Authorities. However, secondary legislation is required to create individual RAs. It will be necessary to submit a detailed proposal to the SoS which must then be approved by Parliament for the SRA to be formally constituted with the powers of a Rivers Authority as per the Bill. The proposal will need to set out exactly how the SRA will fulfil its legal functions and comply with all pertinent legislation.

Preparing a proposal will require extensive input from various subject specialists e.g. local government legislation, organisational governance, employment, finance, procurement, communications, consultation, etc. SRA Board Members were asked at their June meeting to approve the allocation of up to £100,000 from SRA contingency funding for use in 2019-20 to commission the necessary expertise to prepare a proposal. A high-level timeline for the work – which assumes that Royal Assent is secured during this Parliamentary session – is set out below.

June 2019 to March 2020	Develop future governance, staffing arrangements and operational structures. Finalise updated Flood Action Plan / future strategy.
April 2020 – June 2020	Undertake public consultation on creation of SRA.

July to September 2020	Review and respond to public consultation.
October 2020	Submit scheme proposal to the SoS.
March 2021	Approval by the SoS (SRA formally established in law).
April 2021 – March 2022	SRA initial period – (continue with current SCC hosting arrangements, monitoring officer, S151 etc whilst planning and implementing any changes necessary).
April 2022	SRA fully operational as separate legal body.

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Date: 28 June 2019

Author: David Mitchell, Senior Manager, Somerset Rivers Authority

Stages of a Bill through parliament

Type of Bill: Private Members' Bill (Presentation Bill)
Sponsor: David Warburton

Progress of the Bill

