

STATUTORY INSTRUMENTS

S.I. No. 413 of 2005

**European Communities (Water Policy) (Amendment)
Regulations 2005**

PUBLISHED BY THE STATIONERY OFFICE
DUBLIN

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(PRN. A5/1215)

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European Communities (Water Policy)(Amendment) Regulations
2005

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2000/60/EC⁽¹⁾ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy hereby makes the following Regulations:

1. These Regulations may be cited as the European Communities (Water Policy)(Amendment) Regulations, 2005.
2. In these Regulations, “the Principal Regulations” means the European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003).
3. The Principal Regulations are hereby amended by the deletion of article 16 thereof and the substitution of the following -
 - “16. (1) The relevant local authorities shall, in accordance with this article, establish in relation to each river basin district an advisory council (subsequently referred in this Article as “a council”) to consider matters relating to the preparation of river basin management plans and other matters relevant to the protection and use of the aquatic environment and water resources in the river basin district and to advise and make recommendations on these matters to the relevant public authorities.
 - (2) In the discharge of their duties under these Regulations in relation to a river basin district the relevant public authorities shall have regard to the advice and recommendations of the council for the district.
 - (3) Subject to this article, the procedures of a council shall be determined by the council.

(1) OJ No. L327.22.12.2000, P.1.

- (4) Each relevant local authority shall by resolution appoint as members of the council two persons each of whom shall be a member of the authority or of a strategic policy committee established by the authority.
- (5) The chairperson of a council shall be a member of a relevant local authority.
- (6) A council shall by co-option increase its membership to include representatives of interested parties and other persons who may have knowledge, qualifications, or experience relevant to the functions of the council and, insofar as is practicable, the members so co-opted shall include persons, or representatives of persons, who are involved in -
 - (a) agriculture,
 - (b) business or economic activities,
 - (c) angling or other recreational activities which relate to the use of water,
 - (d) social or community activities,
 - (e) academic, professional or research activities related to water, and
 - (f) a body which has the objective of protecting water quality or aquatic ecosystems.
- (7) The number of members co-opted to a council in accordance with sub-article (6) shall not exceed the number of persons appointed by local authorities in accordance with sub-article (4).
- (8) A council shall meet at least twice per annum.
- (9) An employee of a local authority shall be assigned the duties of secretary of the council.
- (10) The expenses of a council incurred in accordance with an estimate approved by resolution of the relevant local authorities shall be refunded to the council by the relevant local authorities in proportion to the population of their respective functional areas lying within the river basin district or on such other basis as may be agreed by the relevant local authorities.

- (11) A relevant public authority may provide such assistance, including financial assistance, as the authority considers appropriate in relation to the activities of a council.
- (12) The proceedings of a council shall not be invalidated solely by reason of the fact that there is not any member of the council (including the chairperson) who is a member of a relevant local authority.
- (13) A council shall be deemed to be dissolved on the ordinary day of retirement of the members of the co-ordinating local authority in accordance with section 17 of the Local Government Act, 2001 (No. 37 of 2001).”.
3. The First Schedule of the Principal Regulations is hereby amended by the deletion of “Tourism Ireland” and the substitution of “Failte Eireann, the National Tourism Development Authority”.

GIVEN under the Official Seal of the Minister for
the Environment, Heritage and Local
Government this 28th day of July 2005

LS

DICK ROCHE

Minister for the Environment, Heritage and Local
Government

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend Article 16 of the European Communities (Water Policy) Regulations, 2003 (which relates to the establishment of River Basin District Advisory Councils) in relation to matters such as the size, composition, duration and time of establishment of the councils. The Regulations also amend the list of relevant public authorities in the First Schedule of the 2003 Regulations.