

John Griffiths AC /AM
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy
Minister for Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref SF/JG/1388/12

Dafydd Elis-Thomas AM
Chair
Environment and Sustainability
Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

8 May 2012

Dear Dafydd

THE BRITISH WATERWAYS BOARD (TRANSFER OF FUNCTIONS) ORDER 2012

Thank you for your letter of 5 April in which you outline the concerns of the Environment and Sustainability Committee about the draft of the British Waterways (Transfer of Functions) Order 2012.

In 2009 the British Waterways Board (the Board) published a corporate strategy which called for the corporation to be transformed into a charitable body. The Board considered that this would enable British Waterways (BW) to access new sources of funding to help close the funding gap they faced and would give stakeholders greater involvement in the running of the waterways network.

In October 2010, the UK Government announced its intention to transfer inland waterways in England and Wales into a new charitable body. In March 2011, the Department of the Environment Food and Rural Affairs (DEFRA) launched a consultation which stated the UK Government's proposal for those waterways owned and/or managed by British Waterways to be transferred to a New Waterways Charity in April 2012. The UK Government response to the consultation was published on 12 September 2011. In the main the consultation responses DEFRA received were supportive of the direction of travel itself.

British Waterways is a Non Departmental Government Body sponsored by DEFRA. I was consulted prior to the publication of the consultation paper and when the Secretary of State for the Environment Food and Rural Affairs announced her decision. British Waterways is not a devolved body and Welsh Ministers therefore were not formally a party to the decision to change the status of British Waterways.

Given that British Waterways itself supports the proposals and the public response to the consultation was positive I believe that the proposals will ensure a sustainable future for the waterways in Wales. Charitable status will afford it a great deal more independence from government and will enable it to access new commercial and private income streams. The change will also enable local communities to have a greater say in how their canal or river is run.

I have met British Waterways in Wales on a number of occasions and will be meeting them again shortly. I fully support their work in Wales. Welsh Ministers interests have been taken into account in within the draft order before the Assembly. The UK Government are using powers conferred on them by the Public Bodies Act 2011 to transfer functions, assets and liabilities from British Waterways to the Canal & River Trust. The role of the Assembly under the Act is to consent (or not) to "provision which would be within the legislative competence of the Assembly if it were contained in an Act of the Assembly".

Best wishes

A handwritten signature in cursive script, appearing to read 'John Griffiths', written in dark ink.

John Griffiths AC / AM

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