



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VII

#### NATURE CONSERVATION IN GREAT BRITAIN AND COUNTRYSIDE MATTERS IN WALES

##### *Nature conservation in Great Britain*

#### **131 Nature conservation functions: preliminary.**

- [<sup>F1</sup>(1) For the purpose of nature conservation and fostering the understanding of nature conservation, the Council shall have the functions conferred on them by this Part and Part 2 of the Natural Environment and Rural Communities Act 2006.]
- (2) It shall be the duty of [<sup>F2</sup>the Council] in discharging their nature conservation functions to take appropriate account of actual or possible ecological changes.
- (3) [<sup>F2</sup>The Council] shall discharge their nature conservation functions on and after a day to be appointed by an order made by the Secretary of State.
- [<sup>F3</sup>(4) The National Assembly for Wales may give the Council general or specific directions with regard to the discharge of any of their nature conservation functions under this Part.]
- (5) <sup>F4</sup>.....
- (6) In this Part “nature conservation” means the conservation of flora, fauna or geological or physiographical features.

#### **Subordinate Legislation Made**

**P1** [S. 131\(3\)](#); [S. 130\(4\)](#)(with ss. 131(3) and 164(3)) power exercised: 1.4.1991 appointed by [S.I. 1991/685](#), [art. 4](#)

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#### Textual Amendments

- F1** S. 131(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 120\(2\)](#); S.I. 2006/2541, [art. 2](#)
- F2** Words in s. 131(2)(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 120\(3\)](#); S.I. 2006/2541, [art. 2](#)
- F3** S. 131(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 120\(4\)](#); S.I. 2006/2541, [art. 2](#)
- F4** S. 131(5) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, [Sch. 11 para. 120\(5\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 131: extension to Scotland continued (1.4.1992) (S.) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), [s. 4\(3\)](#); S.I. 1991/2633, [art. 4](#)

#### Commencement Information

- I1** Appointed day for specified provisions is 1.4.1991 see [S.I.1991/685](#), [art. 4\(2\)](#)

### 132 General functions of <sup>F5</sup>the Council].

- (1) <sup>F6</sup>The Council shall] have the following functions, namely—
- (a) such of the functions previously discharged by the Nature Conservancy Council under the Acts amended by Schedule 9 to this Act as assigned to them in accordance with the amendments effected by that Schedule;
  - (b) the establishment, maintenance and management of nature reserves (within the meaning of section 15 of the National Parks and Access to the <sup>M1</sup>Countryside Act 1949) in their area;
  - (c) the provision of advice for the Secretary of State or any other Minister on the development and implementation of policies for or affecting nature conservation in their area;
  - (d) the provision of advice and the dissemination of knowledge to any persons about nature conservation in their area or about matters arising from the discharge of their functions under this section or section 134 below;
  - (e) the commissioning or support (whether by financial means or otherwise) of research which in their opinion is relevant to any of their functions under this section or section 134 below;

<sup>F7</sup> .....

- (2) <sup>F8</sup>The Council shall] have power—
- (a) to accept any gift or contribution made to them for the purposes of any of the functions conferred on them by subsection (1) above or section 134 below and, subject to the terms of the gift or contribution, to apply it to those purposes;
  - (b) to initiate and carry out such research directly related to those functions as it is appropriate that they should carry out instead of commissioning or supporting other persons under paragraph (e) of that subsection;

and they may do all such other things as are incidental or conducive to those functions including (without prejudice to the generality of this provision) making charges and holding land or any interest in or right over land.

<sup>F9</sup>(2A) The following functions are exercisable in relation to Wales and the Welsh zone—

- (a) the functions conferred by paragraphs (c) to (e) of subsection (1);

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(b) the functions conferred by subsection (2).

In this subsection “Welsh zone” has the same meaning as in the Government of Wales Act 2006.]

(3) <sup>F10</sup> .....

#### Textual Amendments

- F5** Words in s. 132 heading substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 121(5)**; S.I. 2006/2541, **art. 2**
- F6** Words in s. 132(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 121(2)(a)**; S.I. 2006/2541, **art. 2**
- F7** Words in s. 132(1) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, **Sch. 11 para. 121(2)(b)**, **Sch. 12**; S.I. 2006/2541, **art. 2**
- F8** Words in s. 132(2) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 121(3)**; S.I. 2006/2541, **art. 2**
- F9** S. 132(2A) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 43), **ss. 313(3)**, 324; S.I. 2009/3345, **art. 2**, **Sch.**
- F10** S. 132(3) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, **Sch. 11 para. 121(4)**, **Sch. 12**; S.I. 2006/2541, **art. 2**

#### Modifications etc. (not altering text)

- C2** S. 132 extended (E.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196), **reg. 6(4)** (as amended (30.4.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918), **reg. 2(d)**) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, **reg. 10**)  
S. 132 extended (W.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280), **reg. 6(5)** (as substituted (1.11.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006 (S.I. 2006/2831), **reg. 2(5)**)  
S. 132 extended (E.) (12.1.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005 (S.I. 2005/3459), **reg. 6(5)**
- C3** S. 132(2) modified (E.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196), **reg. 6(4)** (as amended (30.4.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918), **reg. 2(d)**) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, **reg. 10**)
- C4** S. 132(2) modified (W.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280), **reg. 6(5)** (as substituted (1.11.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006 (S.I. 2006/2831), **reg. 2(5)**)
- C5** S. 132(2) modified (E.) (12.1.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2006 (S.I. 2005/3459), **reg. 6(5)**

#### Commencement Information

- I2** S. 132 wholly in force at 1.4.1991 see s. 164(3) and S.I. 1991/685, **art. 3**

#### Marginal Citations

- M1** 1949 c. 97.

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### 133 Special functions of Councils.

F11 .....

#### Textual Amendments

**F11** S. 133 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, [Sch. 11 para. 122](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)

### 134 Grants and loans by <sup>F12</sup>the Council].

- (1) <sup>F13</sup>The Council may], with the consent of or in accordance with a general authorisation given by <sup>F14</sup>the National Assembly for Wales], give financial assistance by way of grant or loan (or partly in one way and partly in the other) to any person in respect of expenditure incurred or to be incurred by him in doing anything which in their opinion is conducive to nature conservation or fostering the understanding of nature conservation.
- (2) <sup>F15</sup> .....
- (3) On making a grant or loan <sup>F16</sup>the Council] may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (4) <sup>F17</sup>The Council] shall exercise their powers under subsection (3) above so as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted (on payment or otherwise) shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.
- <sup>F18</sup>(5) The functions conferred by this section are exercisable in relation to Wales and the Welsh zone.

In this subsection “Welsh zone” has the same meaning as in the Government of Wales Act 2006.]

#### Textual Amendments

- F12** Words in s. 134 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 123\(6\)](#); S.I. 2006/2541, [art. 2](#)
- F13** Words in s. 134(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 123\(2\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F14** Words in s. 134(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 123\(2\)\(b\)](#); S.I. 2006/2541, [art. 2](#)
- F15** S. 134(2) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, [Sch. 11 para. 123\(3\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F16** Words in s. 134(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 123\(4\)](#); S.I. 2006/2541, [art. 2](#)
- F17** Words in s. 134(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 123\(5\)](#); S.I. 2006/2541, [art. 2](#)

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**F18** S. 134(5) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 43), ss. 313(4), 324; S.I. 2009/3345, art. 2, Sch.

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