

Status: Point in time view as at 01/02/1991.

Changes to legislation: Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

Section 132.

AMENDMENT OF ENACTMENTS CONFERRING NATURE CONSERVANCY FUNCTIONS

National Parks and Access to the Countryside Act 1949 (c. 97)

- 1 (1) The National Parks and Access to the Countryside Act 1949 shall be amended as follows.
- (2) After section 15 there shall be inserted the following section—

“15A Meaning of “Nature Conservancy Council”.

In this Part of this Act references to “the Nature Conservancy Council” are references—

- (a) in relation to land in England, to the Nature Conservancy Council for England;
 - (b) in relation to land in Scotland, to the Nature Conservancy Council for Scotland; and
 - (c) in relation to land in Wales, to the Countryside Council for Wales.”
- (3) In section 16(5) (agreements in Scotland for establishing nature reserves), in paragraph (c) for the words “Nature Conservancy Council” there shall be substituted “Nature Conservancy Council for Scotland”.
- (4) In section 103 (general provisions as to acquisition of land)—
- (a) in subsection (1), after the words “the Nature Conservancy Council” there shall be inserted the words “(as defined in section 15A of this Act)”; and
 - (b) in subsection (2), for the words “the Nature Conservancy Council” in both places there shall be substituted the words “the Nature Conservancy Council for Scotland”.
- (5) In section 106 (supplementary provisions as to bye-laws), in subsection (1), after the words “the Nature Conservancy Council” there shall be inserted the words “(as defined in section 15A of this Act)”.

Deer (Scotland) Act 1959 (c. 40)

- 2 In section 1 of the Deer (Scotland) Act 1959 (constitution of the Red Deer Commission), in subsection (4)(a) there shall be inserted at the end the words “for Scotland”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Deer Act 1963 (c. 36)

- 3 In section 11 of the Deer Act 1963 (power to grant licences), after subsection (2) there shall be inserted—

“(3) In this section “the Nature Conservancy Council” means in relation to the doing of an act in Wales, the Countryside Council for Wales and in relation to the doing of an act in England, the Nature Conservancy Council for England”.

Countryside Act 1968 (c. 41)

- 4 (1) The Countryside Act 1968 shall be amended as follows.
- (2) In section 15 (areas of special scientific interest)—
- (a) in subsection (2), the words “in the national interest” shall be omitted and, after the words “any such land” there shall be inserted the words “(or of any adjacent land)”; and
- (b) after subsection (6), there shall be inserted the following subsection—
- “(6A) In this section references to “the Nature Conservancy Council” or “the Council” are references to the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Council, according as the land in question is in England, Scotland or Wales”.
- (3) In section 37 (protection for interests in countryside) for the words “Nature Conservancy Council” there shall be substituted the words “, the Council, the Nature Conservancy Council for England and the Nature Conservancy Council for Scotland”.

Conservation of Seals Act 1970 (c. 30)

- 5 In section 10 of the Conservation of Seals Act 1970 (power to grant licences), after subsection (4) there shall be inserted the following subsection—

“(5) In this section a reference to “the Nature Conservancy Council” is a reference to the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Countryside Council for Wales, according as the area in question is in or is in waters adjacent to England, Scotland or Wales.”

Badgers Act 1973 (c. 57)

- 6 (1) Section 9 of the Badgers Act 1973 (power to grant licences) shall be amended as follows.
- (2) In subsection (2)(a), for the words “Nature Conservancy Council” there shall be substituted the words “Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Countryside Council for Wales (according as the area specified in the licence is in England, Scotland or Wales)”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In subsection (4)—

- (a) for the words from “the Nature” to “functions” there shall be substituted the words “each of the following bodies, namely, the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland and the Countryside Council for Wales as to the exercise in the respective areas of those Councils of the functions of those Ministers”; and
- (b) after the word “Council” in the second place it appears, there shall be inserted the words “for the area specified in the licence”.

Import of Live Fish (Scotland) Act 1978 (c. 35)

- 7 In section 1 of the Import of Live Fish (Scotland) Act 1978 (power to limit imports) in subsection (2), after the word “Council” there shall be inserted the words “for Scotland”.

Import of Live Fish (England and Wales) Act 1980 (c. 27)

- 8 In section 1 of the Import of Live Fish (England and Wales) Act 1980 (power to limit imports), in subsection (2) after the word “Council” there shall be inserted the words “ for England, the Countryside Council for Wales ”.

Highways Act 1980 (c. 66)

- 9 In section 105A of the Highways Act 1980 (environmental assessment of highway projects), for subsection (6)(c) there shall be substituted the following paragraph—
“(c) the Nature Conservancy Council for England or the Countryside Council for Wales, if it relates to land in England or, as the case may be, in Wales, falling within paragraph (c).”

Animal Health Act 1981 (c. 22)

- 10 (1) The Animal Health Act 1981 shall be amended as follows.
- (2) In section 21 (destruction of wildlife on infection)—
- (a) in subsection (3), after the word “Council” there shall be inserted the words “ for the area to which it will apply ”;
 - (b) in subsection (9), after the definition of “animals” there shall be inserted the following definition—
““Nature Conservancy Council” means the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland or the Countryside Council for Wales.”.
- (3) In section 22 (powers of entry for s.21), in subsection (7)(a) for the words from “the Nature Conservancy” to “1973”, there shall be substituted the words “ a Nature Conservancy Council under section 132 of the Environmental Protection Act 1990 ”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Wildlife and Countryside Act 1981 (c. 69)

- 11 (1) The Wildlife and Countryside Act 1981 shall be amended as follows.
- (2) In section 10(5) (consultation with Council required before taking or killing a bat) after the word “Council” there shall be inserted the words “for the area in which the house is situated or, as the case may be, the act is to take place”.
- (3) In section 15(2) (endangered species) for the word “Council” there shall be substituted the word “Councils”.
- (4) In section 16 (power to grant licences)—
- (a) in subsection (9)(a) and (9)(c), before the word “Nature” there shall be inserted the word “relevant”;
 - (b) in subsection (10)(a), for the words “the Nature Conservancy Council” there shall be substituted the words “each of the Nature Conservancy Councils” and, after the word “exercise” there shall be inserted the words “in the area of that Council”;
 - (c) in subsection (10)(b), before the word “Council” there shall be inserted the word “relevant Nature Conservancy”; and
 - (d) after subsection (10) there shall be inserted the following subsection—

“(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the Nature Conservancy Council for the area in which it is proposed to carry on the activity requiring a licence.”
- (5) In section 22(3) (power of Secretary of State to amend Schedules 5 or 8 to Act) for the words “to him by the Nature Conservancy Council” there shall be substituted the words “jointly to him by the Nature Conservancy Councils”, and at the end of that subsection there shall be inserted the words—
- “and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990”.
- (6) In section 24 (functions of Nature Conservancy Council)—
- (a) in subsection (1), for the word “Council” there shall be substituted the words “Councils, acting jointly,”, for the words “the passing of this Act” there shall be substituted the words “30th October 1991” and at the end there shall be inserted the words—

“and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990”;
 - (b) in subsection (2), for the words from “the Council” to the end there shall be substituted the words “to that advice being given.”;
 - (c) for subsection (3) there shall be substituted the following subsection—

“(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.”;

and

Status: Point in time view as at 01/02/1991.

Changes to legislation: Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) in subsection (4), for the word “Council” there shall be substituted the words “Nature Conservancy Councils”.
- (7) In section 27 (interpretation of Part I)—
- (a) in subsection (1), in the definition of authorised person, for the words “the Nature Conservancy Council” there shall be substituted the words “any of the Nature Conservancy Councils”; and
- (b) after subsection (3) there shall be inserted the following subsection—
- “(3A) Any reference in this Part to the Nature Conservancy Councils is a reference to the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland and the Countryside Council for Wales.”
- (8) In Part II (nature conservation etc.), before section 28 there shall be inserted the following section—
- “27A Construction of references to Nature Conservancy Council.**
- In this Part references to “the Nature Conservancy Council” are, unless the contrary intention appears, references—
- (a) in relation to land in, or land covered by waters adjacent to, England, to the Nature Conservancy Council for England;
- (b) in relation to land in, or land covered by waters adjacent to, Scotland, to the Nature Conservancy Council for Scotland; and
- (c) in relation to land in, or land covered by waters adjacent to, Wales, to the Countryside Council for Wales;
- and references to “the Council” shall be construed accordingly.”
- (9) In section 29 (special protection for certain areas of special scientific interest), in subsection (4)(a), for the words “commencement date” there shall be substituted the words “making of the order”.
- (10) In section 29 (special protection for certain areas of special scientific interest), in subsection (4)(a), after the word “Council” there shall be inserted the word “written”.
- (11) In section 29 (protection for areas of special scientific interest), in subsection (11), for the words “paragraph 17 of Schedule 3 to the Nature Conservancy Council Act 1973” there shall be substituted the words “paragraph 20 of Schedule 6 to the Environmental Protection Act 1990”.
- (12) In section 33 (Ministerial guidance) in subsection (1) for the word “Council” there shall be substituted the word “Councils”.
- (13) In section 52 (interpretation of Part II), in subsection (1) at the end there shall be inserted the following words—
- “the Nature Conservancy Councils” means the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland and the Countryside Council for Wales;
- and references to “the Nature Conservancy Council” shall be construed in accordance with section 27A.

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Roads (Scotland) Act 1984 (c. 54)

- 12 In section 20A of the Roads (Scotland) Act 1984 (environmental assessment of roads projects), in subsection (6)(c) after the word “Council” there shall be inserted the words “for Scotland”.

Agriculture Act 1986 (c. 49)

- 13 In section 18 of the Agriculture Act 1986 (environmentally sensitive areas), in subsection (2)—
- (a) in paragraph (a) after the word “Council” there shall be inserted the words “for England”;
 - (b) in paragraph (b) for the words “Countryside Commission and the Nature Conservancy Council” there shall be substituted the words “Countryside Council for Wales”;
 - (c) in paragraph (c) after the word “Council” there shall be inserted the words “for Scotland”.

Channel Tunnel Act 1987 (c. 53)

- 14 In paragraph 5 of Schedule 2, and in paragraph 17 of Schedule 3, to the Channel Tunnel Act 1987, after the words “Nature Conservancy Council” there shall be inserted the words “ for England ”.

Norfolk and Suffolk Broads Act 1988 (c. 4)

- 15 In the Norfolk and Suffolk Broads Act 1988, for each reference to the Nature Conservancy Council there shall be substituted a reference to the Nature Conservancy Council for England.

Electricity Act 1989 (c. 29)

- 16 In Schedule 9 to the Electricity Act 1989 (preservation of amenity)—
- (a) in paragraph 2(2) for the words from “the Nature” to “Wales”, where it first appears, there shall be substituted the words “and—
 - (a) where the activities which he is authorised by his licence to carry on include activities in England, the Nature Conservancy Council for England and the Historic Buildings and Monuments Commission for England; and
 - (b) where those activities include activities in Wales, the Countryside Council for Wales and”; and
 - (b) in paragraph 4(2), after the words “Conservancy Council” there shall be inserted the words “for Scotland”.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Water Act 1989 (c. 15)

- 17 (1) The Water Act 1989 shall be amended as follows.
- (2) In section 9 (environmental duties)—
- (a) in subsection (1) after the words “Conservancy Council” there shall be inserted the words “for England or the Countryside Council for Wales” and after the word “land” where it first appears there shall be inserted the words “in England or (as the case may be) in Wales”;
 - (b) in subsection (4), after the word “Council” there shall be inserted the words “in question”.
- (3) In section 10 (codes of practice), in subsection (4) after the words “Conservancy Council” there shall be inserted the words “for England, the Countryside Council for Wales”.
- (4) In section 152 (restriction on disposals of land), in subsection (5)(c)(i) after the word “interest” there shall be inserted the words “in England” and after the word “Council” there shall be inserted the words “for England”.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Environmental Protection Act 1990, SCHEDULE 9 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.