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STATUTORY INSTRUMENTS

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**2010 No. 248**

**The National Assembly for Wales (Legislative Competence) (Environment) Order 2010**

**Amendments to Part 2 of Schedule 5 to the 2006 Act**

**3.**—(1) Paragraph A1(1) of Part 2 of Schedule 5 to the 2006 Act is amended in accordance with this article.

(2) Before the heading “*Highways and transport (field 10 of Part 1)*” insert—  
“*Economic development (field 4 of Part 1)*”

(1) Generation of electricity at generating stations whose construction, extension or operation requires—

- (a) the consent of the Secretary of State, or
- (b) the authority of an order granting development consent under the Planning Act 2008,

and for this purpose, the reference to consent of the Secretary of State is a reference to consent under powers to regulate generation of electricity.

(2) Transmitting, distributing or supplying electricity.

(3) Energy conservation, apart from the encouragement of energy efficiency otherwise than by prohibition or regulation.

(4) Nuclear energy and nuclear installations, including—

- (a) nuclear safety, and
- (b) liability for nuclear occurrences,

but this paragraph does not include disposal of very low level radioactive waste moved from a site whose use requires a nuclear site licence under the Nuclear Installations Act 1965(2)

(3) Under the heading “*Highways and transport (field 10 of Part 1)*”—

(a) after paragraph (1) insert—

“(1A) Road freight transport services, including goods vehicles operating licensing.”;

(b) for paragraph (2) substitute—

“(2) Regulation of the use of relevant vehicles on roads, the construction and use of relevant vehicles, and conditions under which relevant vehicles may be so used, apart from—

- (a) regulation of use of relevant vehicles carrying animals for the purposes of protecting human, animal, fish or plant health or the environment, and
- (b) regulation relating to matter 10.1.

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(1) This paragraph was inserted by article 2(9) of the National Assembly for Wales (Legislative Competence) (Exceptions to Matters) Order 2009 (S.I. 2009/3006).

(2) 1965 c.57. There have been amendments to section 1 of this Act, which restricts certain nuclear installations to licensed sites.

For the purpose of this paragraph, “relevant vehicles” means motor vehicles, mobile machinery and agricultural and forestry tractors.”;

(c) after paragraph (14) insert—

“(14A) Aviation, air transport, airports and aerodromes, apart from—

- (a) financial assistance to providers or proposed providers of air transport services or airport facilities or services,
- (b) strategies by the Welsh Ministers or local or other public authorities about provision of air services, and
- (c) regulation of the use of aircraft carrying animals for the purpose of protecting—
  - (i) human health, apart from the health of persons in aircraft,
  - (ii) animal, fish or plant health, or
  - (iii) the environment.”;

(d) for paragraph (15) substitute—

“(15) Shipping, apart from—

- (a) financial assistance for shipping services to, from or within Wales, and
- (b) regulation of the use of vessels carrying animals for the purposes of protecting—
  - (i) human health, apart from the health of persons on vessels,
  - (ii) animal, fish or plant health, or
  - (iii) the environment.”;

(e) for paragraph (18) substitute—

“(18) Harbours, docks, piers and boatslips, apart from—

- (a) those used or required wholly or mainly for the fishing industry, for recreation, or for communications between places in Wales (or for two or more of those purposes), and
- (b) regulation for the purposes of protecting human, animal, fish or plant health or the environment.

(19) Carriage of dangerous goods, including transport of radioactive material.”.

(4) After the exceptions listed under the heading “*Social Welfare (field 15 of Part 1)*” insert

“*Water and flood defence (field 19 of Part 1)*”

(1) Appointment and regulation of any water undertaker whose area is not wholly or mainly in Wales.

(2) Licensing and regulation of any licensed water supplier within the meaning of the Water Industry Act 1991<sup>(3)</sup>, apart from regulation in relation to licensed activities using the supply system of a water undertaker whose area is wholly or mainly in Wales.”.

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(3) 1991 c.56. Amendments to provide for the licensing of water suppliers other than water undertakers were made by the Water Act 2003 (c. 37), section 56 and Schedule 4, paragraphs 1-3.