
STATUTORY INSTRUMENTS

2013 No. 1821

**The Natural Resources Body for Wales
(Consequential Provision) Order 2013**

PART 7

Transitional and saving provisions

General saving

24. Nothing in any provision of this Order affects the validity of anything done before the provision comes into force.

Continuity of functions transferred from Welsh Ministers to Secretary of State

25.—(1) Anything (including legal proceedings) which relates to a transferred function and is in the process of being done by or in relation to the Welsh Ministers immediately before the function is transferred may be continued by or in relation to the Secretary of State.

(2) Anything done by or in relation to the Welsh Ministers in the exercise of, or otherwise in connection with a transferred function is, so far as is required for continuing its effect after the transfer of the function, to have effect as if done by or in relation to the Secretary of State.

(3) Any reference to the Welsh Ministers (and any reference which is to be read as a reference to the Welsh Ministers) in any document relating to a transferred function is, so far as is required for giving effect to this article, to be treated as a reference to the Secretary of State.

(4) In this article, “transferred function” means a function of the Welsh Ministers that is transferred to the Secretary of State by article 5, 7, 9(2), 13 or 14(1).

Financial accountability of the Environment Agency for periods before 1st April 2013

26.—(1) Notwithstanding article 10, the Auditor General for Wales—

- (a) is entitled to inspect the contents of all accounts and accounting records of the Environment Agency relating to any period before 1st April 2013, so far as those accounts and accounting records relate to the Agency’s Welsh functions or to any funding provided to the Agency by the Welsh Ministers;
- (b) may report to the National Assembly for Wales the results of any inspection carried out under paragraph (a) above;
- (c) may carry out an examination under section 145 of the 1998 Act in relation to the Environment Agency’s Welsh functions or any funding provided to the Agency by the Welsh Ministers, relating to any period before 1st April 2013, as if the Agency were a body specified in Schedule 17 to the 1998 Act.

(2) In this article—

- (a) “accounts” and “accounting records” have the same meanings as in section 46(5) of the 1995 Act;

- (b) references to the Environment Agency’s Welsh functions have the same meaning as in section 147(4) of the 1998 Act (notwithstanding its repeal).

Financial accountability of the Forestry Commissioners for periods before 1st April 2013

27.—(1) Notwithstanding the repeal by article 15 of section 105 of, and paragraphs 3 to 11 of Schedule 7 to, the 1998 Act, those provisions continue to have effect in relation to the Welsh finances of the Forestry Commissioners relating to any period before 1st April 2013.

(2) In this article, “Welsh finances of the Forestry Commissioners” has the same meaning as in paragraph 5(2) of Schedule 7 to the 1998 Act (notwithstanding its repeal).

Existing charging schemes in respect of abstraction and impounding licences

28.—(1) Subject to paragraph (2), the existing abstraction and impounding charges scheme continues to have effect as though it were a joint charging scheme made under section 41 of the 1995 Act in accordance with sections 41B and 42 of that Act (as amended by this Order).

(2) Sections 41B(2) and 42(9C) of the 1995 Act (as amended by this Order) do not apply to the existing abstraction and impounding charges scheme.

(3) The appropriate agencies must, before 1st October 2013, agree the manner in which the sums recovered by way of charges prescribed by the existing abstraction and impounding charges scheme are to be apportioned between, and paid to, each appropriate agency.

(4) Any sums recovered by an appropriate agency by way of charges prescribed by the existing abstraction and impounding charges scheme must be apportioned between, and paid to, each appropriate agency in the manner agreed under paragraph (3).

(5) Any dispute as to the manner of apportionment and payment under paragraph (3), or as to the apportionment or payment of sums under paragraph (4), is to be determined by the Secretary of State and the Welsh Ministers acting jointly.

(6) In this article, “the existing abstraction and impounding charges scheme” means the charging scheme made by the Environment Agency under section 41 of the 1995 Act which relates to licences granted under Chapter II of Part II of the Water Resources Act 1991 Act⁽¹⁾ and was in force immediately before 1st April 2013.

(1) 1991 c. 57.