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WELSH STATUTORY INSTRUMENTS

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**2013 No. 755 (W.90)**

**PUBLIC BODIES  
ENVIRONMENTAL PROTECTION  
FORESTRY  
COUNTRYSIDE**

**The Natural Resources Body for Wales (Functions) Order 2013**

*Made* - - - - 25 March 2013

*Coming into force* - - 1 April 2013

The Welsh Ministers make this Order in exercise of the powers conferred by sections 13, 14, 15 and 35 of the Public Bodies Act 2011<sup>MI</sup> (“the Act”).

In accordance with section 16 of the Act, the Welsh Ministers consider that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 16 of the Act; and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Secretary of State and the Minister has been obtained in accordance with section 17 of the Act.

The Welsh Ministers have carried out consultation in accordance with section 18 of the Act.

A draft of this Order, and an explanatory document containing the information required by section 19(2) of the Act, have been laid before the National Assembly for Wales in accordance with section 19(1) after the end of the period of twelve weeks mentioned in section 19(3).

In accordance with section 19(6) of the Act, the Welsh Ministers have had regard to representations and recommendations made during the 60-day period with regard to the draft Order.

In accordance with section 19(8) of the Act, a revised draft of this Order, and a statement giving a summary of the changes proposed, have been laid before the National Assembly for Wales after the expiry of the 60-day period.

The revised draft of this Order has been approved by a resolution of the National Assembly for Wales in accordance with section 19(9) of the Act.

### Marginal Citations

**M1** 2011 c. 24.

### Title, commencement and extent **E+W**

- 1.—(1) The title of this Order is the Natural Resources Body for Wales (Functions) Order 2013.
- (2) This Order comes into force on 1 April 2013.
- (3) An amendment, repeal or revocation made by this Order has the same extent as the provision to which it relates.

### Interpretation **E+W**

#### 2. In this Order—

- “the 1990 Act” (“*Deddf 1990*”) means the Environmental Protection Act 1990 <sup>M2</sup>;
- “the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995 <sup>M3</sup>;
- “the Body” (“*y Corff*”) means the Natural Resources Body for Wales;
- “the Establishment Order” (“*y Gorchymyn Sefydli*”) means the Natural Resources Body for Wales (Establishment) Order 2012 <sup>M4</sup>;
- “local enactment” (“*deddfiad lleol*”) means any local Act or any subordinate legislation made under or by virtue of a local Act.

### Marginal Citations

**M2** 1990 c. 43.

**M3** 1995 c. 25.

**M4** S.I. 2012/1903 (W. 230).

### General functions of the Natural Resources Body for Wales **E+W**

3. Schedule 1 contains amendments to the Establishment Order.

### Modification and transfer of functions, consequential and other provisions **E+W**

- 4.—(1) Schedules 2 and 3 contain amendments to primary legislation which—
  - (a) modify and transfer to the Body Welsh devolved functions of the Environment Agency;
  - (b) modify and transfer to the Body and the Welsh Ministers Welsh devolved functions of the Forestry Commissioners;
  - (c) modify and transfer to the Body functions of the CCW;
  - (d) transfer to the Body functions of the Welsh Ministers relating to the environment;
  - (e) make consequential, supplementary and incidental provision.
- (2) Schedules 4, 5 and 6 contain amendments to subordinate legislation which—
  - (a) modify and transfer to the Body Welsh devolved functions of the Environment Agency;
  - (b) modify and transfer to the Body and the Welsh Ministers Welsh devolved functions of the Forestry Commissioners;
  - (c) modify and transfer to the Body functions of the CCW;

- (d) transfer to the Body functions of the Welsh Ministers relating to the environment;
- (e) make consequential, supplementary and incidental provision.

#### Other modifications of enactments **E+W**

5. In any local enactment which is not amended by any other provision of this Order, any reference to the CCW (however expressed), and any reference which is to be read as a reference to the CCW, is to be treated as a reference to the Body.

#### **E+W**

6. In any local enactment which is not amended by any other provision of this Order, any reference to the Forestry Commissioners (however expressed), and any reference which is to be read as a reference to the Forestry Commissioners, is to be treated in relation to Wales as a reference to the Body.

#### **E+W**

7. In any local enactment which is not amended by any other provision of this Order, other than an enactment relating to navigation, any reference to the Environment Agency (however expressed), and any reference which is to be read as a reference to the Environment Agency, is to be treated in relation to Wales as a reference to the Body.

#### Abolition of the Countryside Council for Wales **E+W**

- 8.—(1) The CCW is abolished.
- (2) Accordingly, the following are repealed—
- (a) sections 128 to 134 of the 1990 Act <sup>M5</sup>;
  - (b) Schedules 6, 8 and 9 to the 1990 Act <sup>M6</sup>;
  - (c) Part 1 of the National Parks and Access to the Countryside Act 1949 <sup>M7</sup>.

#### Marginal Citations

- M5** 1990 c. 43. Section 130 was amended by the [Countryside and Rights of Way Act 2000 \(c. 37\)](#), [Schedule 15, paragraph 11](#). Sections 128 and 129 were substituted, sections 130, 131, 132 and 134 were amended, and section 133 was repealed by the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [Schedule 11, paragraphs 117 to 123](#). Further amendments were made to sections 128, 132 and 134 by the [Marine and Coastal Access Act 2009 \(c. 23\)](#), [section 313](#).
- M6** There have been numerous amendments to Schedules 6, 8 and 9. Those Schedules were amended, and Schedule 7 was repealed, by the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [Schedule 11, paragraphs 126 and 127](#), and Schedule 12. For transitional and saving provisions in connection with the repeal of Schedules 6, 8 and 9 to the 1990 Act, see Schedule 7 to this Order.
- M7** 1949 c. 97. Section 1 was substituted by the 1990 Act, Schedule 8, paragraph 1(2). Sections 1 and 3 were amended by the [Natural Environment and Rural Communities Act 2006](#), Schedule 11, paragraphs 7 and 8. Sections 2 and 4 were repealed by the [Wildlife and Countryside Act 1981 \(c. 69\)](#), [Schedule 17, Part 2](#).

#### Abolition of advisory committees **E+W**

- 9.—(1) The following are abolished—

- (a) the Environment Protection Advisory Committee established pursuant to section 12(6) of the 1995 Act;
  - (b) the regional and local fisheries advisory committee established pursuant to section 13(5) of the 1995 Act.
- (2) Accordingly, the following provisions of the 1995 Act are repealed—
- (a) section 12 <sup>M8</sup>;
  - (b) section 13 <sup>M9</sup>;
  - (c) Schedule 3;
  - (d) paragraph 3 of Schedule 23.

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**Marginal Citations**

- M8** The other committees established under section 12 of the 1995 Act were abolished by the [Public Bodies \(Abolition of Environment Protection Advisory Committees\) Order 2012 \(S.I. 2012/2407\)](#).
- M9** The other committees established under section 13 were abolished by the [Public Bodies \(Abolition of Regional and Local Fisheries Advisory Committees\) Order 2012 \(S.I. 2012/2406\)](#).

**Transitional provisions and savings** **E+W**

- 10.** Schedule 7 contains transitional provisions and savings.

*Alun Davies*  
Minister for Natural Resources and Food, one of  
the Welsh Ministers

SCHEDULE 1 **E+W**

Article 3

FUNCTIONS OF THE NATURAL RESOURCES BODY FOR WALES

1. The Establishment Order is amended as follows.

2. For article 2 substitute—

“2. In this Order—

“the Body” (“*y Corff*”) has the meaning given by article 3(1);

“nature conservation” (“*cadwraeth natur*”) means the conservation of flora, fauna or geological or physiographical features;

“pollution control functions” (“*swyddogaethau rheoli llygredd*”) has the same meaning as in section 5 of the Environment Act 1995 <sup>M10</sup>;

“the Welsh zone” (“*parth Cymru*”) has the meaning given by section 158 of the Government of Wales Act 2006 <sup>M11</sup>.”

**Marginal Citations**

**M10** 1995 c. 25. The definition of “pollution control functions” in section 5(5) was amended by the [Pollution Prevention and Control Act 1999](#) (c. 24), [Schedule 2](#), paragraphs 14 and 15; and by the [Environmental Permitting \(England and Wales\) Regulations 2010](#) (S.I. 2010/675), [Schedule 26](#), paragraph 13(1) and (2). Schedule 2 to this Order makes further amendments to section 5.

**M11** 2006 c. 32. The definition of the “Welsh zone” was inserted by section 43(2) of the [Marine and Coastal Access Act 2009](#) (c. 23). See also the [Welsh Zone \(Boundaries and Transfer of Functions\) Order 2010](#) (S.I. 2010/760).

3. In article 4(3), omit “(as defined in section 158(1) of the Government of Wales Act 2006)”.

4. After article 5 insert—

**“Nature conservation duties**

**5A.**—(1) The Body must exercise its functions so as to further nature conservation and the conservation and enhancement of natural beauty and amenity.

(2) The duty in paragraph (1) does not apply to the Body's pollution control functions or its functions under the Forestry Act 1967.

(3) In exercising its pollution control functions, the Body must have regard to the desirability of nature conservation and of conserving and enhancing natural beauty and amenity.

(4) Section 1(3A) of the Forestry Act 1967 <sup>M12</sup> makes provision about the balance between nature conservation and other matters which the Body must endeavour to achieve in exercising its functions under that Act.

**5B** In exercising any function relating to nature conservation, the Body must have regard to actual or possible ecological changes.

**Access and recreation duties**

**5C.**—(1) The Body must exercise its functions so as to promote the provision and improvement of opportunities for—

(a) access to, and enjoyment of, the countryside and open spaces;

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

- (b) open-air recreation; and
  - (c) the study, understanding and enjoyment of the natural environment.
- (2) The duty in paragraph (1) does not apply to the Body's pollution control functions.
- (3) In exercising its pollution control functions, the Body must have regard to the desirability of maintaining the availability to the public of existing opportunities of the kinds mentioned in paragraph (1).
- (4) Section 2 of the Countryside Act 1968<sup>M13</sup> makes further provision about the Body's duties relating to facilities for the enjoyment of the countryside, the conservation and enhancement of the natural beauty and amenity of the countryside, and public access to the countryside for recreation.

#### **Duties relating to historic sites**

**5D** In exercising its functions, the Body must have regard to—

- (a) the desirability of protecting and conserving buildings, structures, sites and objects of archaeological, architectural, engineering or historic interest;
- (b) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any such building, structure, site or object, so far as consistent with sub-paragraph (a) and article 5A.

#### **Duties relating to well-being**

**5E** In exercising its functions, the Body must have regard to—

- (a) the health and social well-being of individuals and communities;
- (b) the economic well-being of individuals, businesses and communities.

#### **Duties of Welsh Ministers in relation to proposals relating to the Body's functions**

**5F.**—(1) The duties in articles 5A to 5E apply to the Welsh Ministers when formulating or considering any proposals relating to the Body's functions, as they apply to the Body in exercising those functions.

(2) But the duty in article 5A(1) applies to the Welsh Ministers when formulating or considering such proposals only to the extent that the duty is consistent with—

- (a) the objective of achieving sustainable development; and
- (b) the Welsh Ministers' duties under section 2 of the Water Industry Act 1991<sup>M14</sup>.

#### **Recreation in relation to water and associated land**

**5G.**—(1) This article applies where the Body has rights to the use of water or land associated with water.

(2) The Body must take appropriate steps to secure that those rights are exercised so as to ensure that the water or land—

- (a) is made available for recreational purposes; and
  - (b) is made available in the best manner.
- (3) In paragraph (2), “appropriate steps” (“*camau priodol*”) means steps which are—
- (a) reasonably practicable; and
  - (b) consistent with the provisions of any enactment relating to the Body's functions.

(4) The Body must obtain the consent of any navigation authority, harbour authority or conservancy authority before doing anything under paragraph (1) which causes obstruction of, or other interference with, navigation which is subject to the control of that authority.

(5) Section 6 of the Environment Act 1995 <sup>M15</sup> makes further general provision about the Body's functions with respect to water.

### **Provision of facilities for recreation and other purposes**

**5H.**—(1) The Body may provide, or make arrangements for the provision of, facilities for the purposes specified in paragraph (2) on any land belonging to it, which it uses or manages, or which is placed at its disposal by the Welsh Ministers.

(2) The purposes referred to in paragraph (1) are—

- (a) tourism and the enjoyment of the countryside and open spaces;
- (b) recreation and sport;
- (c) the study, understanding and enjoyment of the natural environment.

(3) In paragraph (1), “facilities” (“*cyfleusterau*”) includes, without limitation—

- (a) accommodation for visitors, camping sites and caravan sites;
- (b) picnic sites and places for meals and refreshments;
- (c) places for enjoying views and parking places;
- (d) routes for walking, cycling or study of the natural environment;
- (e) education centres, display centres and information;
- (f) shops in connection with any of the facilities mentioned in paragraphs (a) to (e);
- (g) public conveniences.

**5I** The power of the Welsh Ministers under section 39 of the Forestry Act 1967 <sup>M16</sup> to acquire land includes power to acquire land in proximity to land placed by them at the disposal of the Body pursuant to section 3 of that Act where it appears to the Welsh Ministers that the land which it is proposed to acquire is reasonably required for the provision of the facilities mentioned in article 5H.

**5J** The power of the Welsh Ministers to make byelaws under section 46 of the Forestry Act 1967 includes power to make byelaws—

- (a) for regulating the reasonable use of facilities provided under article 5H, and
- (b) in relation to any matter described in section 41(3) of the Countryside Act 1968 <sup>M17</sup>”

#### **Marginal Citations**

**M12** 1967 c. 10. Section 1(3A) was inserted by section 4 of the [Wildlife and Countryside \(Amendment\) Act 1985](#) (c. 31).

**M13** 1968 c. 41. There have been numerous amendments to section 2, including those made by the [Natural Environment and Rural Communities Act 2006](#) (c. 16), [Schedule 11](#), paragraph 43. Schedule 2 to this Order makes further amendments to section 2.

**M14** 1991 c. 56. There have been amendments to section 2, including in particular those made by the [Water Act 2003](#) (c. 37), [section 39](#).

**M15** 1995 c. 25. Amendments to section 6 which are relevant to this Order have been made by the [Water Act 2003](#) (c. 37), [section 72](#); the [Aquatic Animal Health \(England and Wales\) Regulations 2009](#) (S.I. 2009/463), [Schedule 2](#), paragraph 9(b); the [Marine and Coastal Access Act 2009](#) (c. 23), [section 230](#);

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

and the Flood and Water Management Act 2010 (c. 29), **Schedule 2**, paragraphs 51 and 52. Schedule 2 to this Order makes further amendments to section 6.

**M16** 1967 c. 10. Amendments to section 39 which are relevant to this Order were made by the **Scotland Act (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)**, **Schedule 12**, paragraph 4(1) and (28) to (31).

**M17** 1968 c. 41. There have been amendments to other provisions of section 41.

5. Omit articles 6 and 7.

6.—(1) Article 8 is amended as follows.

(2) In paragraph (3), for “apply unless” substitute “do not apply if”.

(3) After paragraph (4) insert—

“(5) For the purposes of this article, costs include costs—

(a) to any person; and

(b) to the environment.”

7. After article 8 insert—

#### “Cooperation with the Environment Agency

**8A** The Body must cooperate with the Environment Agency, and coordinate its activities with those of the Environment Agency, as may be appropriate in the circumstances.”

8.—(1) Article 9(2) is amended as follows.

(2) In sub-paragraph (c), after “form” insert “or participate in the forming of”.

(3) After sub-paragraph (d) insert—

“(da) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust;”.

(4) In sub-paragraph (e), after “gifts” insert “or contributions”.

9. After article 9 insert—

#### “Power to enter into agreements with local authorities and public bodies

**9A.**—(1) Without prejudice to the generality of the powers conferred by article 9, the Body is to be treated as both a local authority and a public body for the purposes of the provisions of the Local Authorities (Goods and Services) Act 1970<sup>M18</sup>, except section 2(2).

(2) But the Body may not, under section 1 of that Act, make arrangements which could be made under section 28(1) of the Public Bodies Act 2011<sup>M19</sup>.”

#### Marginal Citations

**M18** 1970 c. 39. There have been amendments to the Act which are not material for the purposes of this Order.

**M19** 2011 c. 24.

10.—(1) Article 10 is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) After paragraph (1) insert—



“(2) The Body may advise the Welsh Ministers on the development and implementation of policies for or in relation to any matter in respect of which the Body exercises functions, whether or not it has been requested to do so.”

**11. After article 10 insert—**

**“Advice and assistance to others**

**10A.**—(1) The Body may provide advice or assistance, including training facilities, to any person on any matter in which the Body has knowledge, skill or experience.

(2) The power conferred by paragraph (1) must not be exercised where the person to whom the advice or assistance is provided is outside Wales, except—

- (a) in accordance with a power or duty conferred or imposed by this or any other enactment;
- (b) with the consent in writing of the Welsh Ministers; or
- (c) in accordance with arrangements approved by the Welsh Ministers.

(3) The Welsh Ministers may impose conditions when giving consent or approving arrangements under paragraph (2).

**Financial assistance**

**10B.**—(1) The Body may give financial assistance to any person in respect of any expenditure incurred or to be incurred by that person in doing anything which the Body considers conducive to the attainment of any objective which the Body seeks to attain in the exercise of its functions.

(2) The Body may give financial assistance under this article by way of grant or loan (or partly in one way and partly in the other).

(3) The Body may attach conditions to financial assistance under this article, which may include (without limitation) conditions requiring the repayment of the whole or part of any grant in specified circumstances.

(4) The Body must exercise the power in paragraph (3) so as to ensure that any person receiving financial assistance in respect of premises to which the public are to be admitted (on payment or otherwise) makes appropriate provision for the needs of members of the public with disabilities.

(5) In paragraph (4), “appropriate provision” (“*darpariaeth briodol*”) means such provision with respect to—

- (a) means of access to or within the premises; and
- (b) the parking facilities and sanitary conveniences to be available (if any),

as is practicable and reasonable in the circumstances.

(6) The Body may give financial assistance under this article only with the consent of the Welsh Ministers (which may be specific or general) or in accordance with arrangements approved by them.

**Research**

**10C.**—(1) The Body must make arrangements for the carrying out of research activities in respect of matters relevant to any of its functions.

(2) The Body may—

- (a) carry out research activities on its own account or jointly with other persons;

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

(b) commission or support research activities (whether by financial means or otherwise).

(3) In exercising its functions under this article in relation to research into nature conservation, the Body must have regard to any common standards established under section 34(2)(c) of the Natural Environment and Rural Communities Act 2006 <sup>M20</sup>.

(4) In this article—

(a) “research activities” (“*gweithgareddau ymchwil*”) means research and related activities;

(b) “related activities” (“*gweithgareddau cysylltiedig*”) includes, without limitation, the making of experiments and inquiries and the collection of statistics and information.

### Further provision about advice, assistance and research

**10D** The functions conferred by articles 10 to 10C are exercisable in relation to Wales and the Welsh zone.

### Criminal proceedings

**10E.**—(1) The Body may institute criminal proceedings in England and Wales.

(2) The Body may authorise persons to prosecute on its behalf in proceedings before magistrates' courts in England and Wales.

(3) A person so authorised is entitled to prosecute in such proceedings even though that person is not a barrister or solicitor.”

### Marginal Citations

**M20** 2006 c. 16.

**12.** In article 11, for paragraphs (2) to (4) substitute—

“(2) The power in paragraph (1) may also be exercised by the Secretary of State for the purpose of directing the Body as to the exercise of its relevant transferred functions, where the direction—

(a) would have any effect in England; or

(b) relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and would have any effect in the catchment areas of the rivers Dee, Wye and Severn.

(3) The Welsh Ministers or the Secretary of State may give the Body general or specific directions for the implementation of any EU obligation or international obligation of the United Kingdom.

(4) Except in an emergency, the power to give a direction under this article may be exercised only after consultation with the Body.

(5) The Welsh Ministers may give a direction falling within paragraph (2) only after consulting the Secretary of State.

(6) The Secretary of State may give a direction under this article only after consulting the Welsh Ministers.

(7) Any power of the Welsh Ministers or Secretary of State to give directions to the Body under any other enactment is without prejudice to their powers to give directions under this article.

(8) In this article, “relevant transferred functions” (“*swyddogaethau trosglwyddedig perthnasol*”) means any functions which—

- (a) were exercisable by the Environment Agency before 1 April 2013; and
- (b) are functions of the Body by virtue of the Natural Resources Body for Wales (Functions) Order 2013,

but this is subject to paragraph (9).

(9) For the purposes of the definition of “relevant transferred functions” (“*swyddogaethau trosglwyddedig perthnasol*”)—

- (a) a function of the Environment Agency was exercisable before 1 April 2013 whether or not the enactment conferring it had come into force before that date; but
- (b) a function is only a relevant transferred function when the enactment conferring the function has come into force.”

**13.** After article 11 insert—

**“Further provisions about directions**

**11A.**—(1) A direction under article 11 must be in writing.

(2) The Welsh Ministers or the Secretary of State (as the case may be) must publish any direction given to the Body—

- (a) under article 11;
- (b) under any other enactment for the purpose of implementing any EU obligation or international obligation of the United Kingdom,

as soon as reasonably practicable after giving the direction, and must make copies available on request.

(3) The power to give directions under article 11 includes power to vary or revoke the directions.

(4) If the Welsh Ministers or the Secretary of State vary or revoke any direction given to the Body for the purpose of implementing any EU obligation of the United Kingdom (whether under article 11 or under any other enactment), they must—

- (a) publish the variation or revocation as soon as reasonably practicable;
- (b) make copies of the variation or revocation available on request.

(5) The Body and any person exercising functions of the Body must comply with any direction given to the Body under article 11 or any other enactment.

(6) In determining—

- (a) any appeal against, or reference or review of, a decision of the Body, or
- (b) any application transmitted from the Body,

the person making the determination is bound by any direction given to the Body under article 11 or any other enactment to the same extent as the Body.”

**14.** At the end of article 12 insert—

“(3) The conditions which may be imposed include, without limitation, conditions as to the use of the money for the purposes of the Joint Nature Conservation Committee.”

15. After article 12 insert—

**“Power to charge**

**12A.**—(1) The Body may—

- (a) charge for work that it carries out and for goods, services and facilities that it provides;
- (b) allow another person to make charges, on such terms as the Body thinks fit, for facilities which that person provides under arrangements made under article 5H.

(2) Any arrangement between the Body and another person entered into pursuant to paragraph (1) may, with the consent of the Welsh Ministers, include provision for the sharing of profits.

(3) The powers conferred by this article are subject to any specific restriction on charging by the Body in particular cases or categories of case contained in this or any other enactment.”

16. At the end of article 13 insert—

“(8) This article is subject to section 118 of the Water Resources Act 1991 <sup>M21</sup>.”

**Marginal Citations**

**M21** 1991 c. 57. Section 118 was amended by the [Environment Act 1995 \(c. 25\)](#), [Schedule 22](#), paragraphs 128 and 150; and the [Flood and Water Management Act 2010 \(c. 29\)](#), [Schedule 2](#), paragraphs 40 and 43. Schedule 2 to this Order makes further amendments to section 118.

17. After article 13 insert—

**“Forestry income**

**13A.**—(1) The Body must spend all sums which it receives in respect of the sale or other disposal of timber or other forest products on the exercise of its functions relating to forestry, forests, woods and woodland industries.

(2) This article is subject to any determination or direction made by the Welsh Ministers under article 13.”

18. After article 15 insert—

**“ PART 4 — E+W**

**INFORMATION ABOUT PERMITTING DECISIONS**

**Interpretation**

**16.** In this Part—

“permit” (“*hawlen*”) means any registration, exemption, approval, permission, licence, consent, assent or other authorisation, however described;

“permitting decision” (“*penderfyniad ynghylch hawlenni*”) means any decision to—

- (a) grant or refuse an application for a permit;
- (b) suspend, vary or revoke a permit.

### **Information publication schemes**

- 17.—(1) The Body must—
- (a) develop, adopt and maintain a scheme (in this article referred to as a “publication scheme”) in relation to the publication of information about—
    - (i) applications for permits made to the Body; and
    - (ii) permitting decisions made by the Body;
  - (b) publish information in accordance with its publication scheme;
  - (c) from time to time review its publication scheme.
- (2) A publication scheme must—
- (a) specify classes of information which the Body publishes or intends to publish, which must include information about all applications for permits made by the Body in cases where the Body is responsible for determining the application;
  - (b) specify the manner in which, and the time within which, information of each class is, or is intended to be, published;
  - (c) specify whether the material is, or is intended to be, available to the public free of charge.
- (3) In developing, adopting or reviewing a publication scheme, the Body must—
- (a) consult such persons as it considers appropriate;
  - (b) have regard to the public interest in—
    - (i) allowing public access to information held by the Body; and
    - (ii) the publication of information about applications for permits made to the Body and permitting decisions made by the Body.
- (4) A publication scheme must be approved by the Welsh Ministers.
- (5) If the Welsh Ministers refuse to approve a proposed publication scheme they must give the Body a statement of their reasons for doing so.
- (6) The Body must publish its publication scheme on its website and make copies of the scheme available on request.
- (7) This article is without prejudice to any other power or duty of the Body to publish or disclose information.

### **Notification to Welsh Ministers in relation to self permitting**

- 18.—(1) This article applies to any application for a permit in respect of which all of the following conditions are met—
- (a) the Body is the applicant;
  - (b) the Body is responsible for determining the application;
  - (c) the Welsh Ministers may make a direction that the application be referred to them for determination.
- (2) The Body must notify the Welsh Ministers of the application at the time that it makes the application.”

- 19.—(1) The Schedule is amended as follows.
- (2) Before paragraph 1 insert—

### “Interpretation

**A1.** In this Schedule, references to employees of the Body include persons seconded to the Body.”

- (3) In paragraph 1(2), for “Property” substitute “ Subject to paragraph 1A, property ”.
- (4) After paragraph 1 insert—

### “Status in relation to nature reserves

**1A.—**(1) This paragraph applies to land in which the Body has an interest and which is managed as a nature reserve.

(2) For the purposes of the application of any enactment or rule of law to the land, the Body is to be treated as a government department.

(3) An interest in land includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement.”

- (5) In paragraph 2(1)(d), omit “fewer than 2 nor”.
- (6) Omit paragraphs 3 and 4.
- (7) In paragraph 5, omit “paragraph 4(3) where applicable and to”.

## SCHEDULE 2 **E+W**

Article 4(1)

### ACTS OF PARLIAMENT

## **PART 1** **E+W**

### Public General Acts

#### **Public Health Act 1936 (c. 49)** **E+W**

**1.** In section 343(1) of the Public Health Act 1936, in the definition of “land drainage authority”, for the words from “means” to “an” substitute “ means the Environment Agency, the Natural Resources Body for Wales or an ”.

#### **Statistics of Trade Act 1947 (c. 39)** **E+W**

- 2.—**(1) Section 9A of the Statistics of Trade Act 1947 is amended as follows.
- (2) In subsection (1)—
    - (a) in paragraph (a), after “the Environment Agency” insert “ , the Natural Resources Body for Wales ”;
    - (b) in paragraph (b), for “either of those Agencies authorised by that Agency” substitute “ any of those bodies authorised by that body ”.
  - (3) In subsection (2), for “Agency” substitute “ body ”.

#### **Coast Protection Act 1949 (c. 74)** **E+W**

**3.** The Coast Protection Act 1949 is amended as follows.

- 4.**—(1) Section 2A is amended as follows.
- (2) The existing provision becomes subsection (1).
- (3) In subsection (1)—
- (a) at the end of paragraph (a), omit “and”;
  - (b) for paragraph (b) substitute—
    - “(b) the Environment Agency, in relation to coastal erosion risks in England, and
    - (c) the Natural Resources Body for Wales, in relation to coastal erosion risks in Wales.”
- (4) After subsection (1) insert—
- “(2) In this Part, references to the area of a coastal erosion risk management authority are—
  - (a) in relation to the Environment Agency, references to England, and
  - (b) in relation to the Natural Resources Body for Wales, references to Wales.”
- 5.**—(1) Section 4 is amended as follows.
- (2) In subsection (1)—
- (a) for “coast protection authority” substitute “coastal erosion risk management authority”;
  - (b) for “district” substitute “area”.
- (3) In subsection (1B), for “district” substitute “area”.
- (4) Omit subsection (1C).
- 6.**—(1) Section 5 is amended as follows.
- (2) In subsections (1A), (3) and (5), for “Environment Agency” substitute “appropriate agency”.
- (3) In subsection (5A)—
- (a) after “the Environment Agency” insert “or the Natural Resources Body for Wales”;
  - (b) after “the Agency” insert “or the Body”.
- (4) In subsection (6)(a), for the words before “(in the case of)” substitute “to the appropriate agency”.
- 7.** In section 8(1), for the words from “carried out, on” to “(in the case of)” substitute “carried out, on the appropriate agency (in the case of)”.
- 8.**—(1) Section 16(4) is amended as follows.
- (2) For the words from “and to the” to “and to any” substitute “and to the appropriate agency and to any”.
- (3) For the words from “by the” to “by any” substitute “by the appropriate agency or by any”.
- 9.**—(1) Section 17 is amended as follows.
- (2) In subsection (3), for the words from “that area, to” to “and to any” substitute “that area, to the appropriate agency and to any”.
- (3) In subsection (9), for the words from “by the” to “or an” substitute “by the appropriate agency or an”.
- 10.** In section 45(1)(b), for the words from “including the” to “and an” substitute “including the Environment Agency, the Natural Resources Body for Wales and an”.

**11.**—(1) Section 47(c) is amended as follows.

(2) In sub-paragraphs (i) and (ii), for the words from “by the” to “or an” substitute “ by the Environment Agency, the Natural Resources Body for Wales or an ”.

(3) In the closing words—

(a) for the words before “or the internal drainage board consents” substitute “ unless the Environment Agency, the Natural Resources Body for Wales ”;

(b) for the words from “on which” to “represented” substitute “ on which the Environment Agency, the Natural Resources Body for Wales or the internal drainage board is represented ”.

**12.**—(1) Section 49(1) is amended as follows.

(2) In the appropriate places insert the following definitions—

““appropriate agency” means—

(a) the Environment Agency in relation to work in England;

(b) the Natural Resources Body for Wales in relation to work in Wales;”;

““England” includes the territorial sea adjacent to England not forming any part of Wales;”;

““Wales” has the meaning given by section 158 of the Government of Wales Act 2006;”.

(3) In the definition of “drainage authority”, for the words from “means” to “or” substitute “ means the Environment Agency, the Natural Resources Body for Wales or ”.

**13.**—(1) In Schedule 1, paragraph 1 is amended as follows.

(2) In sub-paragraph (b), omit the words before “on any”.

(3) After sub-paragraph (b) insert—

“(ba) on the Environment Agency if any part of the area affected by the order is in England, and on the Natural Resources Body for Wales if any part of the area affected by the order is in Wales;”.

**14.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 2, for the words from “notice on” to “catchment board” substitute “ notice on the Environment Agency (if any land to which the draft order relates is in England), the Natural Resources Body for Wales (if any land to which the draft order relates is in Wales), and on any catchment board ”.

(3) In paragraph 12, for the words from “notice on” to “catchment board” substitute “ notice on the Environment Agency (if any land to which the interim order relates is in England), the Natural Resources Body for Wales (if any land to which the interim order relates is in Wales), and on any catchment board ”.

## **National Parks and Access to the Countryside Act 1949 (c. 97) E+W**

**15.** The National Parks and Access to the Countryside Act 1949 is amended as follows.

**16.** In sections 4A(2) and 15A(1)(c), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**17.** In section 16, for “Council”, in each place where it occurs, substitute “ Natural Resources Body for Wales ”.

**18.** In section 21(4), for “Council” substitute “ Natural Resources Body for Wales ”.



19. In section 50A(2), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

20. In section 65(5A), for “Council” substitute “ Natural Resources Body for Wales ”.

21. In sections 85 and 86A, for “Council”, in each place where it occurs (including in the headings to those sections), substitute “ Natural Resources Body for Wales ”.

22. In sections 90(4) and 91(1), for “Council” substitute “ Natural Resources Body for Wales ”.

23. In section 99(6), for the words from “incurred by” to “or an” substitute “ incurred by the Environment Agency, the Natural Resources Body for Wales or an ”.

24.—(1) Section 114(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) For the definition of “drainage authority”, substitute—

““drainage authority” means—

(a) as respects England, the Environment Agency;

(b) as respects Wales, the Natural Resources Body for Wales;

(c) in either case, an internal drainage board;”.

25.—(1) In Schedule 1, paragraph 2 is amended as follows.

(2) In sub-paragraph (4), for the words from “represented” to “or a” substitute “ represented by the Environment Agency (as respects England), the Natural Resources Body for Wales (as respects Wales), or a ”.

(3) In sub-paragraph (5), for “Council”, in each place where it occurs, substitute “ Natural Resources Body for Wales ”.

#### **Opencast Coal Act 1958 (c. 69) E+W**

26.—(1) In section 7(8) of the Opencast Coal Act 1958, the definition of “statutory water undertakers” is amended as follows.

(2) In sub-paragraph (i) omit “and Wales”.

(3) At the end of sub-paragraph (i) omit “and”.

(4) At the end of sub-paragraph (ii) insert “ and ”.

(5) After sub-paragraph (ii) insert—

“(iii) in Wales, the Natural Resources Body for Wales, a water undertaker or a sewerage undertaker.”

#### **Public Health Act 1961 (c. 64) E+W**

27.—(1) Section 54(4) of the Public Health 1961 is amended as follows.

(2) For the words from “by the” to “or any” substitute “ by the Environment Agency, the Natural Resources Body for Wales or any ”.

(3) For the words from “with that” to “that board” substitute “ with that Agency, Body or board (as the case may be) ”.

### **Pipe-lines Act 1962 (c. 58) E+W**

**28.** In section 66(1) of the Pipe—lines Act 1962, in the definition of “statutory water undertakers”, for the words from “means” to “or” substitute “ means the Environment Agency, the Natural Resources Body for Wales or ”.

### **Plant Varieties and Seeds Act 1964 (c. 14) E+W**

**29.**—(1) Section 29 of the Plant Varieties and Seeds Act 1964 is amended as follows.

(2) In subsection (2)—

- (a) for “Forestry Commissioners” substitute “ appropriate authority ”;
- (b) for “those Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”;
- (c) for “the Commissioners”, in the first and second places where it occurs, substitute “ the appropriate authority ”.

(3) In subsection (3), for “Forestry Commissioners” substitute “ appropriate authority ”.

(4) After subsection (3) insert—

“(4) In this section “appropriate authority” means—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in all other respects, the Forestry Commissioners.”

### **Harbours Act 1964 (c. 40) E+W**

**30.** The Harbours Act 1964 is amended as follows.

**31.** In section 58, for the words from “drainage board” to “water” substitute “ drainage board, the Environment Agency, the Natural Resources Body for Wales, a water ”.

**32.** In Part 1 of Schedule 3, in paragraph 18(4), in the definition of “the relevant conservation body”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

### **Gas Act 1965 (c. 36) E+W**

**33.** The Gas Act 1965 is amended as follows.

**34.** In sections 8(5) and 9(5), for the words from “or by” to “it shall” substitute “ , by the Environment Agency or the Natural Resources Body for Wales, it shall ”.

**35.**—(1) Section 15 is amended as follows.

(2) In subsection (2)(a), for the words from “or the” to “transporter” substitute “ , the Environment Agency or the Natural Resources Body for Wales, the gas transporter ”.

(3) In subsection (3), for the words from “are” to “provide” substitute “ are statutory water undertakers, the Environment Agency or the Natural Resources Body for Wales, the gas transporter shall, if the statutory water undertakers, the Environment Agency or the Natural Resources Body for Wales provide ”.

(4) In subsection (4), for the words from “or the” to “transporter” substitute “ , the Environment Agency or the Natural Resources Body for Wales, the gas transporter ”.

(5) In subsection (10), for the words from “undertakers” to “or any” substitute “ undertakers, the Environment Agency, the Natural Resources Body for Wales or any ”.

**36.**—(1) Section 17(5) is amended as follows.

- (2) Before paragraph (a) insert—
- “(za) for the Environment Agency, if it appears to them that the Environment Agency will or may have duties to discharge, or will or may have to take precautionary or preventive action in any event within paragraphs (a) and (b) of subsection (1), and
  - (zb) for the Natural Resources Body for Wales, if it appears to them that the Natural Resources Body for Wales will or may have duties to discharge, or will or may have to take precautionary or preventive action in any such event, and”.
- (3) In paragraph (a)—
- (a) omit the words before “for every”;
  - (b) for “event within paragraphs (a) and (b) of subsection (1) of this section” substitute “ such event ”.

**37.**—(1) Schedule 2 is amended as follows.

- (2) In paragraphs 4(2) and 7(3), for paragraph (bb) substitute—
- “(bb) on the Environment Agency if any part of the storage area or protective area is in England, and on the Natural Resources Body for Wales if any part of either of those areas is in Wales, and”.
- (3) In paragraph 12(1), for paragraph (bb) substitute—
- “(bb) on the Environment Agency if any part of the additional land is in England, and on the Natural Resources Body for Wales if any part of that land is in Wales, and”.
- (4) In paragraph 16(2), for paragraph (bb) substitute—
- “(bb) on the Environment Agency if any part of the storage area or protective area is in England, and on the Natural Resources Body for Wales if any part of either of those areas is in Wales, and”.

**38.**—(1) Schedule 3 is amended as follows.

- (2) In paragraph 4—
- (a) in sub-paragraph (1), for the words from “apply” to “for a” substitute “ apply to the appropriate agency for a ”;
  - (b) in sub-paragraph (2), for the words from “made” to “shall” substitute “ made, the appropriate agency shall ”;
  - (c) in sub-paragraph (3), for the words from “of the” to “statutory” substitute “ of the appropriate agency, a statutory ”;
  - (d) in sub-paragraph (4), for the words before “shall” substitute “ On issuing the certificate, the appropriate agency ”.
- (3) In paragraph 5—
- (a) in sub-paragraph (1), for the words before “has issued” substitute “ Where the appropriate agency ”;
  - (b) in sub-paragraph (3), for the words from “and to the” to “an” substitute “ and to the appropriate agency an ”;
  - (c) in sub-paragraph (4)—
    - (i) for the words from “made” to “for a” substitute “ made to the appropriate agency for a ”;
    - (ii) for the words from “applicant” to “end” substitute “ applicant and the appropriate agency, at the end ”;

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

- (iii) for the words from “issued by” to “accordance” substitute “ issued by the appropriate agency in accordance ”;
- (iv) for the words from “as if” to “had issued” substitute “ as if the appropriate agency had issued ”.

(4) In paragraph 6, for the words from “paragraph 5” to “or as” substitute “ paragraph 5 of this Schedule, the appropriate agency or as ”.

(5) After paragraph 8 insert—

“**8A** In this Schedule, “the appropriate agency” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales.”

**39.**—(1) In Schedule 4, paragraph 5 is amended as follows.

(2) In sub-paragraph (1), for the words from “undertakers” (in the first place where it occurs) to “provide” substitute “ undertakers, the Environment Agency or the Natural Resources Body for Wales, the gas transporter shall, if the statutory water undertakers, the Environment Agency or the Natural Resources Body for Wales provide ”.

(3) In sub-paragraph (2), for the words from “undertakers” to “shall” substitute “ undertakers, the Environment Agency or the Natural Resources Body for Wales, the gas transporter shall ”.

**40.**—(1) In Schedule 6, paragraph 2(4) is amended as follows.

(2) For the words from “occupied by” to “or by” substitute “ occupied by the Environment Agency, the Natural Resources Body for Wales or by ”.

(3) For the words from “imposed” to “or, as” substitute “ imposed by the Environment Agency, by the Natural Resources Body for Wales or, as ”.

**Nuclear Installations Act 1965 (c. 57) E+W**

**F1**41. ....

<p><b>Textual Amendments</b></p> <p><b>F1</b> Sch. 2 para. 41 revoked (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), Sch. 12 para. 30; S.I. 2014/251, art. 4</p>
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**Mines (Working Facilities and Support) Act 1966 (c. 4) E+W**

**42.** In section 7A(4)(b)(i) of the Mines (Working Facilities and Support) Act 1966, for the words before “any” substitute “ the Environment Agency, the Natural Resources Body for Wales or ”.

**Plant Health Act 1967 (c. 8) E+W**

**43.** In section 1(2) of the Plant Health Act 1967, for paragraphs (a) and (b) substitute—

- “(a) for England and Scotland—
  - (i) as regards the protection of forest trees and timber from attack by pests (“timber” for this purpose including all forest products), the Forestry Commissioners, and
  - (ii) otherwise, for England, the Secretary of State and, for Scotland, the Scottish Ministers, and

(b) for Wales, the Welsh Ministers.”

**Forestry Act 1967 (c. 10) E+W**

**44.** The Forestry Act 1967 is amended as follows.

**45.**—(1) Section 1 is amended as follows.

(2) After subsection (1) insert—

“(1A) In this Act, “the appropriate forestry authority” means—

- (a) in relation to England and Scotland, the Commissioners;
- (b) in relation to Wales, the Natural Resources Body for Wales.”

(3) In subsection (2)—

- (a) for “Commissioners” substitute “ appropriate forestry authority ”;
- (b) for “and in England and Wales” substitute “ in England and in Wales ”.

(4) In subsection (3)—

- (a) for “Commissioners” substitute “ appropriate forestry authority's ”;
- (b) for “and in England and Wales” substitute “ in England and in Wales ”.

(5) In subsection (3A)—

- (a) omit “under the Forestry Acts 1967 to 1979”;
- (b) for “Commissioners” substitute “ appropriate forestry authority ”.

(6) After subsection (3A) insert—

“(3B) In subsection (3A) “functions” means—

- (a) in relation to the Commissioners, functions under the Forestry Acts 1967 to 1979;
- (b) in relation to the Natural Resources Body for Wales, functions under this Act.”

(7) In subsection (4)(a), omit “and Wales”.

(8) Omit subsection (5).

(9) In subsection (6), for “Great Britain” substitute “ England and Scotland ”.

**46.**—(1) Section 3 is amended as follows.

(2) In subsection (1)—

- (a) for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”;
- (b) for “England and Wales” substitute “ England or Wales ”;
- (c) for “Commissioners” substitute “ appropriate forestry authority's ”.

(3) In subsection (2), for “Commissioners”, in the first place where it occurs, substitute “ appropriate forestry authority ”.

(4) In subsection (3), for “Commissioners” substitute “ appropriate forestry authority ”.

**47.**—(1) Sections 5(1) and (2) and 6 are amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

(3) For “England and Wales”, in each place where it occurs, substitute “ England or Wales ”.

**48.** In section 7, for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

**49.** In section 7A(1), omit “and Wales”.

**50.** In section 8(1)(c), for “and in England and Wales” substitute “ in England and in Wales ”.

**51.** In section 8A, for “England and Wales” substitute “ England or (as the case may be) Wales ”.

**52.** In the heading to Part 2, omit “Commissioners”.

**53.**—(1) Section 9 is amended as follows.

(2) In subsection (1), for “Commissioners” substitute “ appropriate forestry authority ”.

(3) In subsection (3)(b)—

(a) in sub-paragraph (i), after “which are felled” insert “ in the relevant territory ”;

(b) in sub-paragraph (ii), for “Commissioners” substitute “ appropriate forestry authority ”.

(4) In subsection (5), for “Commissioners” substitute “ appropriate legislative authority ”.

(5) In subsection (6), after the definition of “quarter” insert—

““relevant territory” means—

(a) England and Scotland where the felling is carried out in England or Scotland;

(b) Wales where the felling is carried out in Wales;”.

**54.**—(1) Section 10 is amended as follows.

(2) For “Commissioners”, in each place where it occurs (including in the heading), substitute “ appropriate forestry authority ”.

(3) In subsection (4)(b), for “England and Wales” substitute “ England or Wales ”.

**55.** In sections 11 to 13, for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

**56.**—(1) Section 14 is amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

(3) In subsection (2), for “England and Wales” substitute “ England or Wales ”.

**57.**—(1) Section 15 is amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

(3) In subsection (1A)(a)<sup>M22</sup>, for “England and Wales” substitute “ England or Wales ”.

(4) In subsection (2), for “Commissioners” substitute “ appropriate forestry authority's ”.

(5) In subsection (5A)(a), for “England and Wales” substitute “ England or Wales ”.

#### **Marginal Citations**

**M22** Subsections (1A) and (5A) are inserted by paragraph 2 of Schedule 8 to the [Planning Act 2008 \(c. 29\)](#), which has been brought into force, in relation to England only, by the Planning Act 2008 (Commencement No. 2) (England) Order 2012 ([S.I. 2012/601 \(C. 13\)](#)). In relation to Wales, this Schedule contains a corresponding amendment to paragraph 2 of Schedule 8 to the Planning Act 2008.

- 58.**—(1) Sections 16, 17A and 17B are amended as follows.
- (2) For “Commissioners”, in each place where it occurs (including in the heading to section 17A), substitute “ appropriate forestry authority ”.
- (3) For “England and Wales” substitute “ England or Wales ”.
- 59.** In section 18, for “Commissioners”, in each place where it occurs (including in the cross-heading before that section), substitute “ appropriate forestry authority ”.
- 60.**—(1) Section 19 is amended as follows.
- (2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.
- (3) In subsection (3), for “England and Wales” substitute “ England or Wales ”.
- (4) In the heading, for “Commissioners” substitute “ appropriate forestry authority's ”.
- 61.**—(1) Sections 20 and 21(2) are amended as follows.
- (2) For “England and Wales” substitute “ England or Wales ”.
- (3) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.
- 62.** In section 22(3), for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.
- 63.** In section 23(1), for “Commissioners” substitute “ appropriate legislative authority ”.
- 64.**—(1) Section 24 is amended as follows.
- (2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.
- (3) For “England and Wales” substitute “ England or Wales ”.
- 65.** In section 25, for “England and Wales” substitute “ England or Wales ”.
- 66.** In section 26, for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.
- 67.**—(1) Section 27 is amended as follows.
- (2) In subsection (1)—
- (a) for “England and Wales” substitute “ England or Wales ”;
- (b) for “Provided that” to the end, substitute “ But this is subject to subsections (1A) and (1B). ”
- (3) After subsection (1) insert—
- “(1A) The members of a committee appointed in relation to a case concerning trees or land in England or Scotland shall not include any Forestry Commissioner or employee of the Commissioners.
- (1B) The members of a committee appointed in relation to a case concerning trees or land in Wales shall not include any member or employee of the Natural Resources Body for Wales.”
- (4) In subsection (3)(c), for “Commissioners” substitute “ appropriate forestry authority ”.
- (5) In subsection (4), omit “and Wales”.

**68.** In section 28, for “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

**69.** In section 30(5), for “Commissioners” substitute “ appropriate forestry authority ”.

**70.**—(1) Section 32 is amended as follows.

(2) In subsection (1), for “The Commissioners may, subject” substitute “ The appropriate legislative authority may, subject (in the case of the Commissioners) ”.

(3) In subsection (3)—

(a) after “Act” insert “ by the Commissioners ”;

(b) omit “and Wales”;

(c) after “Scotland” insert “ (but not both) ”.

(4) In subsection (4), omit “and Wales”.

(5) After subsection (5) insert—

“(5A) A statutory instrument containing regulations under this Part making provision only as regards Wales—

(a) in the case of regulations under section 9(5)(b) or (c), must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales;

(b) in a case not falling within paragraph (a), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

**71.**—(1) Section 35 is amended as follows.

(2) In the definitions of “conservancy” and “felling directions”, for “Commissioners” substitute “ appropriate forestry authority ”.

(3) In the definition of “prescribed”, for “Commissioners” substitute “ appropriate legislative authority ”.

**72.**—(1) Section 37 is amended as follows.

(2) For subsection (1) substitute—

“(1) For the purposes of advising the appropriate forestry authority as to the performance of their functions under section 1(3) and Part II of this Act, and such other functions as the appropriate forestry authority may from time to time determine—

(a) the Commissioners shall continue to maintain, in relation to England and Scotland, the central advisory committee known as the Home Grown Timber Advisory Committee; and

(b) the appropriate forestry authority shall continue to maintain a regional advisory committee for each conservancy (within the meaning of Part II of this Act) in Great Britain.”

(3) In subsection (3), for “Commissioners” substitute “ appropriate forestry authority ”.

(4) For the heading substitute “ Advisory committees ”.

**73.**—(1) Section 38 is amended as follows.

(2) For subsection (1) substitute—

“(1) The chairman and other members of the Home Grown Timber Advisory Committee shall be appointed by the Commissioners.



(1A) The chairman and other members of each regional advisory committee shall be appointed by the appropriate forestry authority.

(1B) A chairman or member appointed under subsection (1) or (1A) shall hold and vacate office in accordance with the terms of the instrument by which they are appointed.”

(3) In subsection (3), for “Commissioners” substitute “ appropriate forestry authority ”.

(4) In subsection (4), for “or of a regional advisory committee” substitute “ , and the appropriate forestry authority may pay to the members of a regional advisory committee, ”.

**74.**—(1) Section 39 is amended as follows.

(2) In subsection (1), for “England and Wales” substitute “ England or Wales ”.

(3) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

**75.**—(1) Section 40(3) is amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “ appropriate forestry authority ”.

(3) In paragraph (a)(i), for “England and Wales” substitute “ England or Wales ”.

**76.**—(1) Section 46 is amended as follows.

(2) In subsection (1)—

(a) for “Commissioners” substitute “ appropriate legislative authority ”;

(b) for “their” substitute “ the ”;

(c) after “control” insert “ of the appropriate forestry authority ”.

(3) In subsection (2)—

(a) in the opening words, for “Commissioners” substitute “ appropriate legislative authority's ”;

(b) in paragraph (a), for “Commissioners” substitute “ appropriate forestry authority ”.

(4) In subsection (4) omit “and Wales”.

(5) After subsection (4B) insert—

“(4C) A draft of any statutory instrument containing byelaws under this section with respect to land in Wales must be laid before the National Assembly for Wales.”

(6) In the heading, for “Commissioners” substitute “ Appropriate legislative authority's ”.

**77.**—(1) Section 48 is amended as follows.

(2) In subsection (1)—

(a) for “Commissioners”, in each place where it occurs, substitute “ appropriate enforcement authority ”;

(b) for “them” substitute “ the appropriate enforcement authority ”.

(3) After subsection (1) insert—

“(1A) In subsection (1) “the appropriate enforcement authority” means—

(a) in relation to powers and duties of the Commissioners, the Commissioners;

(b) in relation to powers and duties of the Welsh Ministers, the Welsh Ministers;

(c) in relation to powers and duties of the Natural Resources Body for Wales, the Natural Resources Body for Wales.”

(4) In subsections (2) and (3), for “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

**78.** In section 49(1), in the appropriate place insert—

““the appropriate forestry authority” has the meaning given by section 1(1A);

“the appropriate legislative authority” means—

- (a) the Commissioners, in relation to England and Scotland;
- (b) the Welsh Ministers, in relation to Wales;”.

**79.**—(1) In Schedule 6, paragraph 4 is amended as follows.

(2) In sub-paragraph (2), after “For the purposes of this Act” insert “ but subject to sub-paragraph (3),”.

(3) After sub-paragraph (2) insert—

“(3) Any land in Wales which, immediately prior to 1 April 2013, was treated as being placed at the disposal of the Commissioners pursuant to sub-paragraph (2) shall thereafter be treated as being placed at the disposal of the Natural Resources Body for Wales by virtue of section 39(1) of this Act, without prejudice to the power of the Welsh Ministers to make any other disposition with regard to that land.”

#### **Parliamentary Commissioner Act 1967 (c. 13) E+W**

**80.**—(1) Schedule 2 to the Parliamentary Commissioner Act 1967 is amended as follows.

(2) In the list of departments etc subject to investigation, in the appropriate place insert— “Natural Resources Body for Wales.”

(3) In the notes following the list of departments etc, in the appropriate place insert—

#### **“Natural Resources Body for Wales**

In the case of the Natural Resources Body for Wales no investigation is to be conducted in respect of any action in connection with functions of that body in relation to Wales (within the meaning of the Government of Wales Act 2006).”

#### **Agriculture Act 1967 (c. 22) E+W**

**81.** The Agriculture Act 1967 is amended as follows.

**82.** In section 46(3), for “the Forestry Commission” substitute “ the appropriate forestry authority ”.

**83.** In section 49(3)(c), for “the Forestry Commission”, in each place where it occurs, substitute “ the appropriate forestry authority ”.

**84.** In section 50(3), for paragraph (g) substitute—

“(g) the Environment Agency, the Natural Resources Body for Wales or any water undertaker or sewerage undertaker;”.

**85.** In section 52(2)(a), for “the Forestry Commission” substitute “ the appropriate forestry authority ”.

**86.** In section 57(1), in the appropriate place insert—

““the appropriate forestry authority” means the Forestry Commission in relation to England and Scotland and the Natural Resources Body for Wales in relation to Wales;”.

### **Sea Fish (Conservation) Act 1967 (c. 84) E+W**

**87.**—(1) Section 18 of the Sea Fish (Conservation) Act 1967 is amended as follows.

(2) In subsection (1), for the words from “any waters” to “under the Salmon and Freshwater Fisheries Act 1975” substitute “ the waters specified in subsection (1A) ”.

(3) After subsection (1) insert—

“(1A) The waters specified for the purposes of subsection (1) are any waters which are included in the area in relation to which—

(a) by virtue of section 6(7) of the Environment Act 1995, the Environment Agency;  
or

(b) by virtue of section 6(7A) of that Act, the Natural Resources Body for Wales,  
carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act 1975.”

### **Countryside Act 1968 (c. 41) E+W**

**88.** The Countryside Act 1968 is amended as follows.

**89.** For the cross-heading before section 1 substitute— “ *The Natural Resources Body for Wales* ”.

**90.** Omit section 1.

**91.**—(1) Section 2 is amended as follows.

(2) Omit subsections (1), (4) and (7).

(3) For “Council”, in each place where it occurs, substitute “ NRBW ”.

(4) Accordingly, the heading to section 2 becomes “ Countryside Functions of Natural Resources Body for Wales ”.

**92.** In section 4, for “Council”, in each place where it occurs, substitute “ NRBW ”.

**93.**—(1) Section 8 is amended as follows.

(2) In subsection (4), for “and such” substitute “ (if the country park is in England), the NRBW (if the country park is in Wales), and in either case, such ”.

(3) In subsection (5), for “Council” substitute “ NRBW ”.

**94.**—(1) Section 12 is amended as follows.

(2) In subsection (4), for the words from “consent of” to “such” substitute “ consent of the Environment Agency if the works are to take place in England, of the NRBW if the works are to take place in Wales, and in either case of such ”.

(3) In subsection (5), for “Council” substitute “ NRBW ”.

**95.** In sections 13(4), 15 and 15A, for “Council”, in each place where it occurs, substitute “ NRBW ”.

**96.** In section 16(7), for the words from “consent of” to “such” substitute “ consent of the Environment Agency if the land is in England, of the NRBW if the land is in Wales, and in either case of such ”.

**97.** In section 23, omit subsection (5).

**98.**—(1) Section 24 is amended as follows.

(2) In subsection (1)—

- (a) for “the said Commissioners” substitute “ the appropriate forestry authority ”;
- (b) for “the Commissioners” substitute “ the appropriate forestry authority's ”.
- (3) In subsection (2), for “the Commissioners” substitute “ the appropriate forestry authority ”.
- (4) After subsection (5) insert—
  - “(6) In this section, “the appropriate forestry authority” means—
    - (a) in relation to England, the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945; and
    - (b) in relation to Wales, the NRBW.”

**99.**—(1) Section 24A(1) is amended as follows.

(2) Omit “and Wales”.

(3) For “the said Commissioners” substitute “ the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 ”.

**100.** In section 37, for “Council” substitute “ NRBW ”.

**101.**—(1) Section 38 is amended as follows.

(2) For “Council” substitute “ NRBW ”.

(3) For the words from “belongs” to “water undertaker is” substitute “ belongs to the Environment Agency, the NRBW or a water undertaker or which the Agency, the NRBW or a water undertaker is ”.

**102.** In section 41, for “Council”, in each place where it occurs, substitute “ NRBW ”.

**103.** In section 45(1), for “Council” substitute “ NRBW ”.

**104.** Omit section 46(2).

**105.**—(1) Section 49(2) is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” means the Natural Resources Body for Wales;”.

#### **Conservation of Seals Act 1970 (c. 30) E+W**

**106.** The Conservation of Seals Act 1970 is amended as follows.

**107.**—(1) Section 10 is amended as follows.

(2) For “the Secretary of State”, in each place where it occurs, substitute “ the appropriate licensing authority ”.

(3) In subsection (3)(b)—

(a) for “the appropriate nature conservation body” substitute “ Natural England ”;

(b) after “an area” insert “ in, or in waters adjacent to, England ”.

(4) Omit subsection (5).

(5) After subsection (6) insert—

“(7) In this section “the appropriate licensing authority” means—

(a) the Natural Resources Body for Wales where the area in question is in Wales;

(b) in any other case, the Marine Management Organisation.

(8) In subsection (7)(a), “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”

**108.** In section 13, after “the Secretary of State” insert “, the Welsh Ministers and the Natural Resources Body for Wales”.

#### **Superannuation Act 1972 (c. 11) E+W**

**109.**—(1) In Schedule 1 to the Superannuation Act 1972, the list of “Other Bodies” is amended as follows.

(2) Omit “The Countryside Council for Wales.”

(3) In the appropriate place insert— “Employment by the Natural Resources Body for Wales.”

#### **Local Government Act 1974 (c. 7) E+W**

**110.** In the Local Government Act 1974, omit section 9.

#### **Health and Safety at Work etc. Act 1974 (c. 37) E+W**

**111.** The Health and Safety at Work etc. Act 1974 is amended as follows.

**112.**—(1) Section 28 is amended as follows.

(2) In subsection (3)(a), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

(3) In subsection (4), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

(4) In subsection (5)(a), after “the Environment Agency” insert “ or of the Natural Resources Body for Wales ”.

**113.** In section 38, for “or the Environment Agency” substitute “, the Environment Agency or the Natural Resources Body for Wales”.

#### **Control of Pollution Act 1974 (c. 40) E+W**

**114.** The Control of Pollution Act 1974 is amended as follows.

**115.** In section 30(1), in the definition of “the appropriate Agency”—

(a) in paragraph (a), omit “and Wales”;

(b) after that paragraph insert—

“(aa) in relation to Wales, the Natural Resources Body for Wales; and”.

**116.** In section 62(2)(a), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

#### **Reservoirs Act 1975 (c. 23) E+W**

**117.** The Reservoirs Act 1975 is amended as follows<sup>M23</sup>.

#### **Marginal Citations**

**M23** This Schedule also contains amendments to provisions of Schedule 4 to the [Flood and Water Management Act 2010 \(c. 29\)](#), which are not yet fully in force, inserting provisions into the Reservoirs Act 1975.

**118.**—(1) Section 1 is amended as follows.

(2) In subsection (4)(a), for the words from “by” to “may be,” substitute “ by the Environment Agency, the Natural Resources Body for Wales (the “NRBW”) or a water undertaker, the Environment Agency, the NRBW or, as the case may be, the water ”.

(3) In subsection (4A), omit “and Wales”.

(4) After subsection (4B) insert—

“(4C) The “area” of the NRBW, in its capacity as a relevant authority for the purposes of this Act, is the whole of Wales.”

(5) After subsection (5) insert—

“(5A) In this Act, “appropriate agency” means—

- (a) in relation to reservoirs in England, the Environment Agency;
- (b) in relation to reservoirs in Wales, the NRBW.”

**119.**—(1) Section 2 is amended as follows.

(2) In subsection (1)—

- (a) omit “and Wales,”;
- (b) after “the Environment Agency” insert “ , in Wales the NRBW ”.

(3) In subsection (2A)—

- (a) after “the Environment Agency” insert “ or the NRBW ”;
- (b) after “the Agency” insert “ or the NRBW ”.

**120.** In sections 2A to 2D <sup>M24</sup>, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

#### **Marginal Citations**

**M24** Sections 2A to 2D are inserted by paragraph 7 of Schedule 4 to the [Flood and Water Management Act 2010 \(c. 29\)](#). That paragraph has been brought into force so far as the amendments that it makes provide power for the Minister to make regulations and orders under the Reservoirs Act 1975: see the [Flood and Water Management Act 2010 \(Commencement No 4 and Transitional Provisions\) Order 2011 \(S.I. 2011/2204\)](#), [article 3\(1\)\(e\)](#). This Schedule also contains amendments to paragraph 7, insofar as it has not been brought into force.

**121.**—(1) Section 12A is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (b), after “the Environment Agency” insert “ or the NRBW ”;
- (b) in paragraph (c)—
  - (i) after “the Environment Agency” insert “ or the NRBW ”;
  - (ii) after “that Agency” insert “ , by the NRBW ”.

(3) In subsection (3)—

- (a) in paragraph (b), after “the Environment Agency” insert “ if the reservoir concerned is in England or any of the flooding to which the plan relates would be in England ”;
- (b) after paragraph (b) insert—
  - “(ba) the NRBW if the reservoir concerned is in Wales or any of the flooding to which the plan relates would be in Wales;”.

**122.** In sections 21B(1) and 22(6), for “Environment Agency” substitute “appropriate agency”.

**123.**—(1) Section 22A is amended as follows.

(2) After “the Environment Agency” insert “or the NRBW”.

(3) Accordingly, the heading to section 22A becomes “Service of notices by the Environment Agency and the NRBW”.

**124.** In section 27A(2), for “Environment Agency” substitute “appropriate agency”.

**125.** In Schedule 1, in the list of defined expressions, in the appropriate places insert—

“Appropriate agency	Section 1(5A)”;
“Area (in relation to the NRBW)	Section 1(4C)”;
“NRBW	Section 1(4)(a)”.

#### **House of Commons Disqualification Act 1975 (c. 24) E+W**

**126.**—(1) Schedule 1 to the House of Commons Disqualification Act 1975 is amended as follows.

(2) In Part 2, in the list of bodies of which all members are disqualified, in the appropriate place insert— “The Natural Resources Body for Wales.”

(3) In Part 3, in the list of other disqualifying offices, omit “Any member of the Countryside Council for Wales in receipt of remuneration.”

#### **Salmon and Freshwater Fisheries Act 1975 (c. 51) E+W**

**127.** The Salmon and Freshwater Fisheries Act 1975 is amended as follows.

**128.** In sections 1(2) and 2(5), for the words after “in writing of” substitute “the appropriate agency”.

**129.** In section 4(3), for the words from “except” to “or” substitute “except by the appropriate agency or”.

**130.**—(1) Section 5 is amended as follows.

(2) In subsection (2)(b), for the words from “of” to “may” substitute “of the appropriate agency, for which that agency may”.

(3) In subsection (2A), for “Agency” substitute “appropriate agency”.

**131.**—(1) Section 9 is amended as follows.

(2) In subsection (1), in the closing words—

(a) for the words from “given by” to “within” substitute “given by the appropriate agency and within”;

(b) for “as the Agency may” substitute “as the appropriate agency may”.

(3) In subsection (3), for the words before “may cause” substitute “The appropriate agency”.

**132.**—(1) Section 10 is amended as follows.

(2) In subsection (1), for the words before “may construct” substitute “The appropriate agency”.

(3) In subsection (2), for the words before “may abolish” substitute “The appropriate agency”.

- (4) In subsection (3)—
- (a) for the words from “incurred by” to “repairing” substitute “ incurred by the appropriate agency in repairing ”;
  - (b) for the words after “recovered” substitute “ by the appropriate agency in a summary manner ”.
- (5) Accordingly, in the heading to section 10, for the words before “to construct” substitute “ Power of appropriate agency ”.

**133.** In section 11, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**134.** In section 12(2), for the words from “by” to “he” substitute “ by the appropriate agency he ”.

**135.**—(1) Section 13 is amended as follows.

(2) In subsection (1), for the words from “granted” to “sluices” substitute “ granted by the appropriate agency, any sluices ”.

(3) In subsection (3), for the words from “given” to “cleaning” substitute “ given by the appropriate authority, for cleaning ”.

**136.** In section 14(2) and (3), for “Agency” substitute “ appropriate agency ”.

**137.**—(1) Section 15 is amended as follows.

(2) In subsection (1)—

- (a) for the opening words, substitute “ The appropriate agency— ”;
- (b) in paragraph (a)—
  - (i) for “they” substitute “ it ”;
  - (ii) for the words from “expense” to “suitable” substitute “ expense of the appropriate agency, at a suitable ”;
- (c) in paragraph (b), for the words from “expense” to “so far” substitute “ expense of the appropriate agency so far ”.

(3) In subsection (3), for the words before “may” substitute “ The appropriate agency ”.

(4) In subsection (4), in the closing words, for the words from “authorise” to “prejudicially” substitute “ authorise the appropriate agency prejudicially ”.

(5) Accordingly, in the heading to section 15, for the words before “to use” substitute “ Power of appropriate agency ”.

**138.**—(1) Section 18 is amended as follows.

(2) In subsection (2), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (3)—

- (a) in paragraph (b), for the words from “done” to “under” substitute “ done by the appropriate agency under ”;
- (b) in the closing words, for the words from “from” to “compensation” substitute “ from the appropriate agency compensation ”.

(4) In subsection (5), for the words from “in which” to “liable” substitute “ in which the appropriate agency is liable ”.

**139.**—(1) Section 25 is amended as follows.



(2) In subsection (1), for “Agency” substitute “ appropriate agency ”.

(3) In subsection (7), for the words from “between” to “and the licensee” substitute “ between the appropriate agency and the licensee ”.

(4) In subsection (10), for “Agency” substitute “ appropriate agency ”.

**140.**—(1) Section 26 is amended as follows.

(2) In subsection (1), in the opening words, for the words from “section” to “may” substitute “ section, the appropriate agency may ”.

(3) In subsections (1A) and (1B), for “Agency” substitute “ appropriate agency ”.

(4) In subsection (2), for the words from “shall require” to “publish” substitute “ shall require the appropriate agency to publish ”.

(5) In subsection (4), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(6) In subsection (6)—

(a) for the words from “consent” to “vary” substitute “ consent of the appropriate agency vary ”;

(b) for the words from “require” to “publish” substitute “ require the appropriate agency to publish ”.

(7) In subsection (7), for the words from “made by” to “and” substitute “ made by the appropriate agency and ”.

**141.** In section 27A, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**142.** In section 30, for the words from “consent” to “or the inland water” substitute “ consent of the appropriate agency or the inland water ”.

**143.**—(1) Section 31(1) is amended as follows.

(2) In the opening words, for the words from “water bailiff” to “and” substitute “ water bailiff appointed by the appropriate agency and ”.

(3) In paragraph (c), in the opening words, for the words from “fishing” to “area” substitute “ fishing in the appropriate agency's area ”.

**144.**—(1) Section 32 is amended as follows.

(2) In subsection (1)—

(a) in the opening words, for “subsection” substitute “ subsections (1A) and ”;

(b) in paragraph (a), for the words after “officer of” substitute “ the appropriate agency, under a special order in writing from that agency, and ”.

(3) After subsection (1) insert—

“(1A) The appropriate agency may make an order under subsection (1)(a) for the purpose of preventing any offence being committed in its area.”

**145.** In section 33(1) and (2), for the words from “officer” to “any person” substitute “ officer of the appropriate agency, or any person ”.

**146.** In section 35, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**147.**—(1) Section 37A is amended as follows.

(2) For “Agency”, in each place where it occurs except in subsection (5), substitute “ appropriate agency ”.

(3) After subsection (5) insert—

“(5A) The amount by which the sums received by the Natural Resources Body for Wales by way of fixed penalties exceed the sums repaid by it under subsection (4)(a) above shall be paid into the Welsh Consolidated Fund.”

**148.** In section 40, for the words from “agreement” to “maintain” substitute “ agreement of the appropriate agency) to maintain ”.

**149.**—(1) Section 41 is amended as follows.

(2) In subsection (1)—

(a) in the appropriate places insert the following definitions—

““the appropriate agency” means—

(a) the Agency, except in relation to Wales (within the meaning of the Government of Wales Act 2006); and

(b) the Natural Resources Body for Wales, in relation to Wales (within that meaning);”;

““area”, in relation to the appropriate agency, means the area in relation to which it carries out its functions relating to fisheries by virtue of—

(a) section 6(7) of the Environment Act 1995, in the case of the Agency;

(b) section 6(7A) of that Act, in the case of the Natural Resources Body for Wales;”;

(b) in the definition of “authorised officer”, in paragraph (a), for the words after “officer of” substitute “ the appropriate agency; ”.

(3) In subsection (3), for the words from “authorising” to “any other” substitute “ authorising the appropriate agency or any other ”.

**150.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 1—

(a) in sub-paragraph (1), for the words after “Schedule by” substitute “ the appropriate agency ”;

(b) in sub-paragraph (2), for the words before “may” substitute “ The appropriate agency ”.

(3) In paragraph 3—

(a) for the words before “shall at least” substitute “ The appropriate agency ”;

(b) for “their”, in each place where it occurs, substitute “ its ”.

(4) In paragraph 4, for the words from “person” to “shall” substitute “ person, the appropriate agency shall ”.

(5) In paragraph 5—

(a) for the words from “submitted” to “for” substitute “ submitted by the appropriate agency for ”;

(b) for the words from “and” to “directed” substitute “ and the appropriate agency, if so directed ”.

(6) In paragraph 7, for the words before “may grant” substitute “ The appropriate agency ”.

(7) In paragraph 8, for the words from “agreed” to “and” substitute “ agreed by the appropriate agency and ”.

- (8) In paragraph 9—
- (a) in sub-paragraphs (1)(c) and (2)(c), for the words from “consent” to “to” substitute “ consent of the appropriate agency to ”;
  - (b) in sub-paragraph (3)—
    - (i) in the opening words, for the words before “shall” substitute “ The consent of the appropriate agency ”;
    - (ii) in paragraphs (a) and (b), for the words from “appears” to “to be” substitute “ appears to the appropriate agency to be ”.
- (9) In paragraph 10—
- (a) for the words from “employee” to “authorised” substitute “ employee of the appropriate agency authorised ”;
  - (b) for the words after “notified to” substitute “ the appropriate agency ”.
- (10) In paragraph 11, for the words after “sent to” substitute “ the appropriate agency ”.
- (11) In paragraph 13—
- (a) for the words from “opinion” to “required” substitute “ opinion of the appropriate agency are required ”;
  - (b) for the words from “notifies” to “at the time” substitute “ notifies the appropriate agency at the time ”.
- (12) In paragraph 14A(1) and (4), for “Agency” substitute “ appropriate agency ”.
- (13) In paragraph 15, for the words from “granted” to “every” substitute “ granted by the appropriate agency to every ”.
- (14) In paragraph 18, for the words from “issued” to “as to” substitute “ issued by the appropriate agency as to ”.

**151.** In Part 3 of Schedule 3, in the opening words of paragraph 39(1), for the words after “Water Resources Act 1991,” substitute “ the appropriate agency— ”.

**152.**—(1) Part 2 of Schedule 4 is amended as follows.

- (2) In paragraph 6(b), for the words after “references to” substitute “ the appropriate agency; and ”.
- (3) In paragraph 11—
- (a) in sub-paragraph (a), for the words from “order” to “prosecuted” substitute “ order to the appropriate agency, unless that agency prosecuted ”;
  - (b) in sub-paragraph (b), for the words from “forward” to “who” substitute “ forward it to the appropriate agency, who ”.
- (4) In paragraph 12, for the words after “conviction to” substitute “ the appropriate agency ”.

#### **Local Government (Miscellaneous Provisions) Act 1976 (c. 57) E+W**

**153.** In section 44 of the Local Government (Miscellaneous Provisions) Act 1976, after subsection (1B) insert—

“(1C) In relation to the Natural Resources Body for Wales, section 16 of this Act shall have effect—

- (a) as if that Body were a local authority; and
- (b) as if, in its application by virtue of paragraph (a), any reference to a function were a reference to the Body's relevant transferred functions (within the meaning of

article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903)).”

**Rent (Agriculture) Act 1976 (c. 80) E+W**

**154.** In section 30(8) of the Rent (Agriculture) Act 1976, after “the Forestry Commissioners” insert “ in relation to land in England and the Natural Resources Body for Wales in relation to land in Wales ”.

**Forestry Act 1979 (c. 21) E+W**

**155.** The Forestry Act 1979 is amended as follows.

**156.—**(1) Section 1(1) is amended as follows.

(2) Omit “and Wales”.

(3) After “lessees of land” insert “ in England and Scotland ”.

**157.—**(1) Section 2 is amended as follows.

(2) In subsection (2), for “The Forestry Commissioners” substitute “ The appropriate authority ”.

(3) In subsection (4), for “the Commissioners” substitute “ the appropriate authority ”.

(4) In subsection (5)—

(a) in paragraph (a), for “the Commissioners” substitute “ the appropriate authority ”;

(b) in paragraph (b), at the end insert “ (in the case of regulations made by the Forestry Commissioners) or of the National Assembly for Wales (in the case of regulations made by the Welsh Ministers) ”.

(5) After subsection (5) insert—

“(6) In this section “the appropriate authority” means—

(a) in relation to England, the Forestry Commissioners;

(b) in relation to Wales, the Welsh Ministers.”

**Import of Live Fish (England and Wales) Act 1980 (c. 27) E+W**

**158.** In section 1(2) of the Import of Live Fish (England and Wales) Act 1980, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Local Government, Planning and Land Act 1980 (c. 65) E+W**

**159.** In section 185(2)(b) of the Local Government, Planning and Land Act 1980, for the words from “which” to “may” substitute “ which the Environment Agency or the Natural Resources Body for Wales may ”.

**Highways Act 1980 (c. 66) E+W**

**160.** The Highways Act 1980 is amended as follows.

**161.—**(1) Section 105B(8) is amended as follows.

(2) In paragraph (b)—

(a) in sub-paragraph (i), after “English Heritage” insert “ , the Environment Agency ”;

- (b) in sub-paragraph (ii), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.
- (3) In paragraph (c)—
  - (a) in sub-paragraph (i), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”;
  - (b) in sub-paragraph (ii), at the end insert “ and ”.
- (4) Omit paragraph (d) (including the “and” at the end).

**162.** In section 107(4), for the words from “this Act” to “or any” substitute “ this Act by the Environment Agency, the Natural Resources Body for Wales or any ”.

**163.** In section 119D(12)<sup>M25</sup>, in the definition of “the appropriate conservation body”, in paragraph (b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### Marginal Citations

**M25** Section 119D is inserted by paragraph 12 of Schedule 6 to the [Countryside and Rights of Way Act 2000 \(c. 37\)](#). Its insertion was brought into force, as respects England only, by article 2 of the Countryside and Rights of Way Act 2000 (Commencement No. 12) Order 2007 ([S.I. 2007/1493 \(C. 61\)](#)). As respects Wales, this Schedule contains a corresponding amendment to paragraph 12 of Schedule 6 to the Countryside and Rights of Way Act 2000.

**164.** In section 120(2)(c), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**165.** In section 254(4)(a), for the words after “internal drainage board” substitute “ , the Environment Agency or the Natural Resources Body for Wales without the consent of that body, or ”.

**166.—**(1) Section 276 is amended as follows.

(2) For the words from “maintenance by” to “internal” substitute “ maintenance by the Environment Agency, the Natural Resources Body for Wales or an internal ”.

(3) For the words from “incurred” to “or board” substitute “ incurred by that body ”.

**167.** In section 329(1), in the definitions of “drainage authority” and “water undertakers”, for the words from “means” to “or” substitute “ means the Environment Agency, the Natural Resources Body for Wales or ”.

**168.—**(1) Schedule 1 is amended as follows.

(2) In Part 1, in paragraph 3, in item (ii) of the Table, for the words before “and every” substitute “ The Environment Agency, the Natural Resources Body for Wales ”.

(3) In Part 2, in paragraph 11(b), for the words from “on” to “and” substitute “ on the Environment Agency, the Natural Resources Body for Wales and ”.

#### Wildlife and Countryside Act 1981 (c. 69) **E+W**

**169.** The Wildlife and Countryside Act 1981 is amended as follows.

**170.—**(1) Section 16 is amended as follows.

(2) Before subsection (9) insert—

“(8C) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to Wales, “the appropriate authority” means the Natural Resources Body for Wales.”

(3) In subsection (9), in the opening words, for “subsection (8A)” substitute “ subsections (8A) and (8C) ”.

(4) In subsection (12), after paragraph (b) insert—

“(c) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”

**171.**—(1) Section 27 is amended as follows.

(2) In subsection (1), in the definition of “authorised person”, for paragraph (d) substitute—

“(d) any person authorised in writing by—

(i) the Environment Agency, in relation to anything done in England;

(ii) the Natural Resources Body for Wales, in relation to anything done in Wales; or

(iii) a water undertaker or a sewerage undertaker.”

(3) In subsection (3A), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**172.** In section 27AA, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales and as if section 28D(2)(d) were omitted ”.

**173.** In section 34A(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**174.** In section 36(7), in the definition of “relevant authority”, for the words from “local authority” to “water” substitute “ local authority, the Natural Resources Body for Wales, a water ”.

**175.**—(1) Section 37A is amended as follows.

(2) In subsection (1)(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(3) In subsection (2)—

(a) in paragraph (b), at the end insert “ and ”;

(b) omit paragraph (c) (including the “and” at the end).

(4) After subsection (2) insert—

“(2A) Subject to subsection (3), upon receipt of a notification under subsection (1), Natural England shall, in turn, notify the Environment Agency.”

(5) In subsection (3), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**176.** In sections 39(5)(e) and 41A, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**177.** Omit section 47.

**178.** In section 49, for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

**179.** In sections 50(1)(a), 51(2)(a) and 70B(7)(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Animal Health Act 1981 (c. 22) E+W**

**180.** In section 21(9) of the Animal Health Act 1981, in the definition of “appropriate conservation body”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Telecommunications Act 1984 (c. 12) E+W**

**181.** In section 98(9) of the Telecommunications Act 1984, in the definition of “water authority”, in paragraph (a), for the words from “means” to “or” substitute “ means the Environment Agency, the Natural Resources Body for Wales or ”.

**Road Traffic Regulation Act 1984 (c. 27) E+W**

**182.** In section 22 of the Road Traffic Regulation Act 1984, in subsections (1)(a)(iv) and (3), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Inheritance Tax Act 1984 (c. 51) E+W**

**183.** In Schedule 3 to the Inheritance Tax Act 1984, for “Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

**Housing Act 1985 (c. 68) E+W**

**184.** In section 573(1) of the Housing Act 1985, after “a Welsh planning board,” insert— “ the Natural Resources Body for Wales, ”.

**Agriculture Act 1986 (c. 49) E+W**

**185.** In section 18(2)(b) of the Agriculture Act 1986, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Farm Land and Rural Development Act 1988 (c. 16) E+W**

**186.** In section 2(7) of the Farm Land and Rural Development Act 1988, after “Forestry Act 1979” insert “ or the power of the Natural Resources Body for Wales to pay grants under article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

**Local Government Finance Act 1988 (c. 41) E+W**

**187.** In Schedule 5 to the Local Government Finance Act 1988, in paragraph 14(2), for the words from “means” to “or” substitute “ means the Environment Agency, the Natural Resources Body for Wales or ”.

**Control of Pollution (Amendment) Act 1989 (c. 14) E+W**

**188.** The Control of Pollution (Amendment) Act 1989 is amended as follows.

**189.** In section 5C(2), after paragraph (a) insert—

“(aa) where received by the Natural Resources Body for Wales, must be paid to the Welsh Ministers;”.

**190.** In section 9(1), in the definition of “regulation authority”—

(a) in paragraph (a), omit “and Wales” and the “and” at the end;

(b) after paragraph (a) insert—

- “(aa) in relation to Wales, the Natural Resources Body for Wales; and”;
- (c) in the closing words, for “and Wales or, as the case may be, in Scotland” substitute “, Wales or Scotland as the case may be”.

**Water Act 1989 (c. 15) E+W**

**191.** The Water Act 1989 is amended as follows.

**192.**—(1) Section 174 is amended as follows.

(2) In subsection (2)(a)—

- (a) after “the Scottish Environment Protection Agency,” insert “ the Natural Resources Body for Wales, ”;
- (b) for “or the Water Act 2003” substitute “, the Water Act 2003 or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

(3) In subsection (4)(a), after “the Scottish Environment Protection Agency,” insert “ the Natural Resources Body for Wales ”.

**193.**—(1) In Schedule 25, paragraph 1 is amended as follows.

(2) After sub-paragraph (1)(a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In sub-paragraph (3), after “The Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

(4) In sub-paragraph (6), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

(5) In sub-paragraph (9)(a), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.

(6) In sub-paragraph (11), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.

**Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) E+W**

**194.** In Schedule 5 to the Road Traffic (Driver Licensing and Information Systems) Act 1989, in paragraph 8, in the definition of “relevant undertaker”, in paragraph (e), for the words before “or any” substitute “ the Environment Agency, the Natural Resources Body for Wales ”.

**Electricity Act 1989 (c. 29) E+W**

**195.** The Electricity Act 1989 is amended as follows.

**196.**—(1) Schedule 4 is amended as follows.

(2) In paragraph 3(1)(c), after “National Rivers Authority,” insert “ the Natural Resources Body for Wales, ”.

(3) In paragraph 4(1)(b), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**197.** In Schedule 9, in paragraph 2(2)(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.



## **Town and Country Planning Act 1990 (c. 8) E+W**

**198.** The Town and Country Planning Act 1990 is amended as follows.

**199.**—(1) Section 200 is amended as follows.

(2) In subsection (1)(a), after “Forestry Commissioners” insert “ or the Natural Resources Body for Wales ”.

(3) In subsection (2)—

(a) in the opening words, after “Forestry Commissioners” insert “ or the Natural Resources Body for Wales ”;

(b) in paragraph (b)—

(i) after “made” insert “ by the Forestry Commissioners ”;

(ii) at the end insert “ or made by the Natural Resources Body for Wales under article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) for or in connection with the use or management of land for forestry purposes ”.

(4) Accordingly, in the heading to section 200, after “Forestry Commissioners” insert “ and Natural Resources Body for Wales ”.

**200.**—(1) Section 204 is amended as follows.

(2) For “Forestry Commissioners”, in each place where it occurs, substitute “ Natural Resources Body for Wales ”.

(3) In subsection (1)(b), for “section 1 of the Forestry Act 1979” substitute “ article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

**201.** In section 252(12)(i), for the words after “including a reference to” substitute “ the Environment Agency and the Natural Resources Body for Wales, and ”.

**202.** In section 262(3), for the words from “sewerage undertaker” to “any universal” substitute “ sewerage undertaker, the Environment Agency, the Natural Resources Body for Wales, any universal ”.

**203.** In section 265(3), omit “and” at the end of paragraph (a) and after that paragraph insert—

“(aa) in relation to the Natural Resources Body for Wales, means the Secretary of State or the Secretary of State for Environment, Food and Rural Affairs; and”.

**204.**—(1) In Schedule 5, paragraph 4 is amended as follows.

(2) For “Forestry Commission”, in each place where it occurs, substitute “ appropriate body ”.

(3) In sub-paragraph (4), for “Commission” substitute “ appropriate body ”.

(4) After sub-paragraph (5) insert—

“(6) In this paragraph “appropriate body” means—

(a) in relation to England, the Forestry Commission; and

(b) in relation to Wales, the Natural Resources Body for Wales.”

## **Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) E+W**

**205.** In section 91(3)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, for the words after “Electricity Act 1989,” substitute “ the Environment Agency, the Natural Resources Body for Wales and every water or sewerage undertaker. ”

**Planning (Hazardous Substances) Act 1990 (c. 10) E+W**

**206.** In section 39(5) of the Planning (Hazardous Substances) Act 1990, for the words from “38(2)” to “every” substitute “ 38(2) the Environment Agency, the Natural Resources Body for Wales and every ”.

**Environmental Protection Act 1990 (c. 43) E+W**

**207.** The 1990 Act is amended as follows.

**208.**—(1) Section 30(1) is amended as follows.

(2) In paragraph (a), omit “and Wales” and the “and” at the end.

(3) After paragraph (a) insert—

“(aa) in relation to Wales, is a reference to the Natural Resources Body for Wales; and”.

(4) In the closing words, after “Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**209.** In section 33A(5), after “Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**210.**—(1) Section 33B is amended as follows.

(2) In subsection (3), after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In subsection (4)—

(a) after “Environment Agency” insert “ , the Natural Resources Body for Wales ”;

(b) after “Agency” insert “ , Body ”.

**211.** In section 33C(10), in the definition of “relevant enforcement authority” omit “or” at the end of paragraph (a) and after that paragraph insert—

“(aa) the Natural Resources Body for Wales, where the proceedings in respect of the offence have been brought by or on behalf of that Body, or”.

**212.** In section 34A(14), in the definition of “enforcement authority” after “Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**213.** In section 34B(11), in the definition of “enforcement authority”, omit “or” at the end of paragraph (a) and after that paragraph insert—

“(aa) the Natural Resources Body for Wales, or”.

**214.** In section 36(7), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**215.** In section 73A, after subsection (1) insert—

“(1A) The Natural Resources Body for Wales must pay amounts received by it under section 34A above to the Welsh Ministers.”

**216.** In section 78A(9), in the definition of “the appropriate Agency”—

(a) in paragraph (a), omit “and Wales”;

(b) after paragraph (b) insert—

“(c) in relation to Wales, the Natural Resources Body for Wales;”.

**217.**—(1) Section 78L(1) is amended as follows.

(2) In paragraph (a), for “, or served by the Environment Agency in relation to land in England” substitute “ or by the Environment Agency ”.

(3) In paragraph (b), for “, or served by the Environment Agency in relation to land in Wales” substitute “ or by the Natural Resources Body for Wales ”.

**218.** In section 78U(1), for “in England and Wales or in Scotland” substitute “ in England, Wales or Scotland ”.

#### **Coal Mining Subsidence Act 1991 (c. 45) E+W**

**219.** The Coal Mining Subsidence Act 1991 is amended as follows.

**220.** In section 36(8), in the definition of “the appropriate drainage authority”, in paragraph (a), for the words after “internal drainage district” substitute “—

- (i) in relation to measures to be carried out wholly in England, the Environment Agency;
- (ii) in relation to measures to be carried out wholly in Wales, the Natural Resources Body for Wales;
- (iii) in relation to measures to be carried out partly in England and partly in Wales, either of those bodies;”.

**221.** In section 52(1), in the definition of “statutory undertakers”, in paragraph (b), for the words from “undertaker” to “electronic” substitute “ undertaker, the Environment Agency, the Natural Resources Body for Wales, any electronic ”.

#### **Deer Act 1991 (c. 54) E+W**

**222.** In section 8(2) of the Deer Act 1991, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Water Industry Act 1991 (c. 56) E+W**

**223.** The Water Industry Act 1991 is amended as follows.

**224.**—(1) Section 3(4) is amended as follows.

(2) At the end of paragraph (a), omit “or”.

(3) After paragraph (a) insert—

“(aa) the functions of the NRBW; or”.

(4) After “Environment Agency”, in the second place where it occurs, insert “, the NRBW, ”.

**225.**—(1) Section 4 is amended as follows.

(2) For “the Countryside Council for Wales”, in each place where it occurs, substitute “ the NRBW ”.

(3) In subsection (1), in the closing words, for “the Council” substitute “ the NRBW ”.

**226.**—(1) Section 5(4) is amended as follows.

(2) In paragraph (a), after “Agency” insert “ and the NRBW ”.

(3) In paragraph (b), omit “and the Countryside Council for Wales”.

**227.** In section 17F(7), after paragraph (d) insert—

“(da) on the NRBW;”.

**228.**—(1) Section 17G(4)(a) is amended as follows.

(2) At the end of sub-paragraph (iv) omit “and”.

(3) After sub-paragraph (iv) insert—

“(v) the NRBW; and”.

**229.**—(1) Section 37A is amended as follows.

(2) In subsection (8)—

(a) in paragraph (a), after “Agency” insert “, if the plan (or revised plan) would affect water resources in England; ”;

(b) after paragraph (a) insert—

“(aa) the NRBW, if the plan (or revised plan) would affect water resources in Wales;”.

(3) For subsection (9) substitute—

“(9) Before giving a direction under subsection (6)(b), the Secretary of State shall consult—

(a) the Environment Agency, if the revised plan would affect water resources in England, and

(b) the NRBW, if the revised plan would affect water resources in Wales.

(9A) Before giving a direction under subsection (6)(b), the Welsh Ministers shall consult—

(a) the NRBW, if the revised plan would affect water resources in Wales, and

(b) the Environment Agency, if the revised plan would affect water resources in England.”

**230.**—(1) Section 39B is amended as follows.

(2) In subsection (7)—

(a) in paragraph (a), after “Agency” insert “, if the plan (or revised plan) would affect water resources in England; ”;

(b) after paragraph (a) insert—

“(aa) the NRBW, if the plan (or revised plan) would affect water resources in Wales;”.

(3) For subsection (11) substitute—

“(11) Before giving a direction under subsection (6)(b), the Secretary of State shall consult—

(a) the Environment Agency, if the revised plan would affect water resources in England, and

(b) the NRBW, if the revised plan would affect water resources in Wales.

(11A) Before giving a direction under subsection (6)(b), the Welsh Ministers shall consult—

(a) the NRBW, if the revised plan would affect water resources in Wales, and

(b) the Environment Agency, if the revised plan would affect water resources in England.”

**231.** In section 40, for subsection (5) substitute—

“(5) The Authority shall not make an order under this section unless it has first consulted—

- (a) the Environment Agency, if the order applies to a supply of water that would affect water resources in England;
- (b) the NRBW, if the order applies to a supply of water that would affect water resources in Wales.”

**232.** In section 40A, for subsection (3) substitute—

“(3) Before making any order under this section the Authority shall consult—

- (a) the Environment Agency, if the order applies to a bulk supply agreement that would affect water resources in England;
- (b) the NRBW, if the order applies to a bulk supply agreement that would affect water resources in Wales.”

**233.**—(1) Section 66F is amended as follows.

(2) In subsection (2), for the words from “the Secretary” to “Agency” substitute “ the persons specified in subsection (2A) ”.

(3) After subsection (2) insert—

“(2A) The persons specified for the purposes of subsection (2) are—

- (a) the Secretary of State (subject to subsections (3) and (4) below);
- (b) the Environment Agency, if the determination is in relation to a supply of water that would affect water resources in England;
- (c) the NRBW, if the determination is in relation to a supply of water that would affect water resources in Wales.”

**234.**—(1) Section 66G(4) is amended as follows.

(2) In paragraph (c), after “the Environment Agency” insert “ , if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker for the purpose of supplying water to premises in England ”.

(3) After paragraph (c) insert—

“(ca) the NRBW, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker for the purpose of supplying water to premises in Wales;”.

**235.**—(1) Section 66H(4) is amended as follows.

(2) In paragraph (c), after “the Environment Agency” insert “ , if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker for the purpose of supplying water to premises in England ”.

(3) After paragraph (c) insert—

“(ca) the NRBW, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker for the purpose of supplying water to premises in Wales;”.

**236.**—(1) Section 71 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (6), for “the Agency” substitute “ the appropriate agency ”.

(4) After subsection (8) insert—

“(9) In this section “the appropriate agency” means—

- (a) the Environment Agency, in relation to a well, borehole or other work in England;
- (b) the NRBW, in relation to a well, borehole or other work in Wales.”

**237.**—(1) Section 101A is amended as follows.

(2) In subsection (5)—

- (a) in paragraph (a), after “the Environment Agency” insert “ , if the guidance applies to premises in England ”;
- (b) after paragraph (a) insert—

“(aa) the NRBW, if the guidance applies to premises in Wales;”.

(3) In subsections (7) to (10), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

(4) After subsection (10) insert—

“(11) In this section “the appropriate agency” means—

- (a) the Environment Agency, in relation to disputes between sewerage undertakers and owners or occupiers of premises in England;
- (b) the NRBW, in relation to disputes between sewerage undertakers and owners or occupiers of premises in Wales.”

**238.** In section 110A, for subsection (6) substitute—

“(6) The Authority shall not make an order under this section unless it has first consulted—

- (a) the Environment Agency, where the proposed main connection would discharge to a sewerage system that would dispose of that discharge to any controlled waters in England;
- (b) the NRBW, where the proposed main connection would discharge to a sewerage system that would dispose of that discharge to any controlled waters in Wales.”

**239.** In section 120, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “the appropriate agency”.

**240.**—(1) Section 123 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In subsection (3)(b), for “Environment Agency's”, substitute “appropriate agency's”.

**241.**—(1) Section 127 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs (including in the heading to that section), substitute “appropriate agency”.

(3) In subsection (2)(b), for “Environment Agency's” substitute “appropriate agency's”.

**242.**—(1) Section 130 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs (including in the heading to that section), substitute “appropriate agency”.

(3) For “the Agency”, in each place where it occurs, substitute “the appropriate agency”.

**243.**—(1) Section 131 is amended as follows.

(2) For “Environment Agency” in each place where it occurs (including in the heading to that section), substitute “ appropriate agency ”.

(3) In subsection (2)(b), for “Environment Agency's” substitute “ appropriate agency's ”.

**244.**—(1) Section 132 is amended as follows.

(2) In subsection (1), for “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (2)—

(a) in the opening words, for “Environment Agency” substitute “ appropriate agency ”;

(b) in paragraph (a)—

(i) in the opening words, for “Environment Agency” substitute “ appropriate agency ”;

(ii) before sub-paragraph (i) insert—

“(ai) where the Environment Agency is the appropriate agency, to the NRBW if the discharge or proposed discharge of special category effluent is from trade premises in England;

(bi) where the NRBW is the appropriate agency, to the Environment Agency if the discharge or proposed discharge of special category effluent is from trade premises in Wales;”;

(c) in paragraph (b), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(4) In subsection (3)—

(a) for “Environment Agency” substitute “ appropriate agency ”;

(b) for “the sewerage undertaker in question and on the person specified in subsection (2)(a)(ii)” substitute “ any person consulted under subsection (2)(a) ”.

(5) In subsection (4)(c), for “Environment Agency” substitute “ appropriate agency ”.

(6) In subsection (6), for “the Environment Agency” and “the Agency” substitute “ the appropriate agency ”.

(7) In subsection (8), for “Environment Agency” substitute “ appropriate agency ”.

**245.** In section 133(6)—

(a) for “Environment Agency” substitute “ appropriate agency ”;

(b) for “the sewerage undertaker in question and on the person specified in section 132(2)(a)(ii)” substitute “ any person consulted under section 132(2)(a) ”.

**246.**—(1) Section 134 is amended as follows.

(2) In subsection (1), for “Environment Agency” and “Environment Agency's”, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

(3) In subsection (2)—

(a) for “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”;

(b) in paragraph (b), for “the Agency” substitute “ the appropriate agency ”.

**247.**—(1) Section 135A is amended as follows.

(2) In subsection (1)—

(a) for “Environment Agency” substitute “ appropriate agency ”;

(b) for “that Agency” substitute “ that appropriate agency ”.

(3) Accordingly, in the heading to section 135A, for “Environment Agency” substitute “ appropriate agency ”.

**248.** In section 141(1), in the appropriate place insert—

““appropriate agency” means—

- (a) in relation to the discharge or proposed discharge of special category effluent to a public sewer that directly or indirectly discharges or is to discharge (other than via a storm-water overflow sewer) that effluent to any controlled waters in England, the Environment Agency;
- (b) in relation to the discharge or proposed discharge of special category effluent to a public sewer that directly or indirectly discharges or is to discharge (other than via a storm-water overflow sewer) that effluent to any controlled waters in Wales, the NRBW;”.

**249.** In section 156(4), for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the NRBW ”.

**250.**—(1) Section 161 is amended as follows.

(2) In subsection (3)(b), after “the Environment Agency”, in each place where it occurs, insert “ or the NRBW ”.

(3) In subsection (4), after “the Environment Agency” insert “ , where the proposed works will affect any watercourse in England, and the NRBW, where the proposed works will affect any watercourse in Wales, ”.

**251.**—(1) Section 166 is amended as follows.

(2) In subsection (1), for “the Environment Agency” substitute “ the appropriate agency ”.

(3) After subsection (9) insert—

“(10) In this section “the appropriate agency” means—

- (a) the Environment Agency, in relation to discharges of water in England;
- (b) the NRBW, in relation to discharges of water in Wales.”

**252.** In section 184(1), after “Environment Agency”, in each place where it occurs, insert “ or the NRBW ”.

**253.** In section 195(2)(bb), for “or the Environment Agency” substitute “ , the Environment Agency or the NRBW ”.

**254.** In section 202(6), after “the Environment Agency” insert “ or on the Welsh Ministers with respect to the NRBW ”.

**255.**—(1) Section 206 is amended as follows.

(2) In subsection (3)(a)—

- (a) after “the Environment Agency,” insert “ the NRBW, ”;
- (b) for “or the Water Act 2003” substitute “ the Water Act 2003 or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

(3) In subsection (4)(a), after “the Environment Agency,” insert “ the NRBW, ”.

**256.** In section 209(3)(a), after “the Environment Agency,” insert “ the NRBW, ”.

**257.** In section 215(3)—



- (a) after “the Environment Agency”, in the first place where it occurs, insert “ or the NRBW ”;
- (b) after “the Environment Agency”, in the second place where it occurs, insert “ or, as the case may be, the NRBW ”.

**258.**—(1) Section 217 is amended as follows.

(2) In subsection (2), after “the Environment Agency”, in the first and second places where it occurs, insert “ or the NRBW ”.

(3) In subsection (3), after “the Environment Agency”, in each place where it occurs, insert “ or the NRBW ”.

(4) In subsection (4), after “the Environment Agency,” insert “ on the NRBW, ”.

(5) In subsection (7), after “the Environment Agency” insert “ or the NRBW ”.

**259.**—(1) Section 219(1) is amended as follows.

(2) In the definition of “public authority”, after “Environment Agency,” insert “ the NRBW, ”.

(3) In the definition of “watercourse”, after “Environment Agency” insert “ , the NRBW ”.

(4) In the appropriate place insert—

““the NRBW” means the Natural Resources Body for Wales;”.

**260.**—(1) Section 221 is amended as follows.

(2) In subsection (2), for “Environment Agency” substitute “ appropriate agency ”.

(3) In subsection (7), in the appropriate place insert—

““the appropriate agency” means—

(a) in relation to any act or omission of the Crown in England, the Agency;

(b) in relation to any act or omission of the Crown in Wales, the NRBW;”.

**261.** In Schedule 1A, after paragraph 9(3)(c) insert—

“(ca) the NRBW;”.

**262.**—(1) In Schedule 11, paragraph 1(3) is amended as follows.

(2) In paragraph (a), after “Environment Agency” insert “ , if the whole or any part of a relevant locality is in England ”.

(3) After paragraph (a) insert—

“(aa) the NRBW, if the whole or any part of a relevant locality is in Wales;”.

**263.**—(1) In Schedule 13, paragraph 1 is amended as follows.

(2) In sub-paragraph (2), after “the Environment Agency”, in each place where it occurs, insert “ or the NRBW ”.

(3) In sub-paragraph (5)(a), after “the Environment Agency,” insert “ the NRBW, ”.

## **Water Resources Act 1991 (c. 57) E+W**

**264.** The Water Resources Act 1991 is amended as follows.

**265.**—(1) Section 15 is amended as follows.

(2) In subsection (1)—

- (a) after “Agency”, in the first place where it occurs, insert “ and the NRBW ”;
  - (b) for “its” substitute “ their ”;
  - (c) after “Agency”, in the second place where it occurs, insert “ or the NRBW, as the case may be, ”.
- (3) In subsection (2)—
- (a) in paragraph (a), for “or the Water Act 1989” substitute “ , the Water Act 1989 or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”;
  - (b) after “Agency”, in the first and second places where it occurs, insert “ or the NRBW ”;
  - (c) after “Agency”, in the final place where it occurs, insert “ and the NRBW ”.

**266.**—(1) Sections 20 and 20A are amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (1) of each of those sections, in the closing words, after “section 6(2)” insert “ or, as the case may be, section 6(2A) ”.

**267.** In section 20B, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**268.**—(1) Section 20C is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (1), after “section 6(2)” insert “ or, as the case may be, section 6(2A) ”.

**269.**—(1) Section 21 is amended as follows.

(2) For “Agency”, in each place where it occurs (except in subsection (3)(za)), substitute “ appropriate agency ”.

(3) In subsection (3)—

(a) before paragraph (a) insert—

“(za) if those waters are in Wales and there are related inland waters in England, the Agency;

(zb) if those waters are in England and there are related inland waters in Wales, the NRBW;”;

(b) in paragraph (e) omit “wholly or partly”.

**270.** In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “appropriate agency's” respectively—

- (a) sections 22 to 24 (including the heading to section 22);
- (b) section 25(1A)(a);
- (c) section 25A;
- (d) section 25C;
- (e) section 27A;
- (f) section 32(3);
- (g) sections 33A to 45;
- (h) section 46A(2);
- (i) sections 51 to 57 (including the heading to section 52);
- (j) sections 59A to 59C;

- (k) sections 60 to 64 (including the headings to sections 60, 63 and 64);
- (l) section 66(3);
- (m) section 69(2);
- (n) sections 73 to 75;
- (o) sections 77 to 79.

**271.**—(1) Section 79A is amended as follows.

- (2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.
- (3) Omit subsection (7)(c).

**272.** In section 83 for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**273.**—(1) Section 84 is amended as follows.

- (2) In subsection (1), for “Agency” substitute “ appropriate agency ”.
- (3) In subsection (2)—
  - (a) in the opening words, for “Agency” substitute “ appropriate agency ”;
  - (b) at the end of paragraph (a) omit “and”;
  - (c) after paragraph (a) insert—
    - “(aa) in the case of the NRBW, to consult, in such cases as it may consider appropriate, with the Agency; and”;
  - (d) in paragraph (b)—
    - (i) at the beginning insert “ in the case of the Agency, ”;
    - (ii) at the end insert “ or with the NRBW ”.

**274.** In the following provisions, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”

- (a) sections 91B to 97 (including the heading to section 91B);
- (b) sections 105 to 111 (including the heading to section 108);
- (c) section 113(4);
- (d) sections 115 and 116;
- (e) the heading to Part 6.

**275.**—(1) Section 118 is amended as follows.

- (2) In subsection (1)—
  - (a) in the opening words, for “Agency” substitute “ appropriate agency ”;
  - (b) in paragraph (a), for “Agency's” substitute “ appropriate agency's ”;
  - (c) at the end of paragraph (a) omit “and”;
  - (d) in paragraph (b)—
    - (i) before “shall be disregarded” insert “ where the appropriate agency is the Agency, ”;
    - (ii) at the end, for “.” substitute “ ; and ”;
  - (e) after paragraph (b) insert—
    - “(c) where the appropriate agency is the NRBW, shall be disregarded in determining the amount of any surplus for the purposes of article 13 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).”

(3) In subsections (2), (3) and (5), for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**276.** In sections 120 to 143, for “Agency” and “Agency's”, in each place where they occur (including in the headings to sections 120 and 143), substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**277.** In the heading to Chapter 1 of Part 7, for “Agency” substitute “ appropriate agency ”.

**278.**—(1) Section 154 is amended as follows.

(2) In subsection (1)—

- (a) after “Agency”, in each place where it occurs, insert “ or the NRBW ”;
- (b) for “either of the Ministers” substitute “ the relevant Minister ”.

(3) In subsection (2)—

- (a) in the opening words, for “each of the Ministers” substitute “ the relevant Minister ”;
- (b) in paragraph (b)—
  - (i) after “Agency”, in the first place where it occurs, insert “ or, as the case may be, by the NRBW, ”;
  - (ii) after “Agency”, in the second place where it occurs, insert “ or the NRBW ”.

(4) In subsections (3) and (4), after “Agency” insert “ or the NRBW ”.

(5) In subsection (6)—

- (a) after “(incidental general powers of the Agency)” insert “ or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903) ”;
- (b) after “on the Agency” insert “ or the NRBW ”;
- (c) in paragraph (a), after “Agency” insert “ or, as the case may be, the NRBW ”.

(6) After subsection (6) insert—

“(7) In this section, in relation to the NRBW, references to functions have effect as references to relevant transferred functions.

(8) In subsections (1) and (2), “the relevant Minister” means—

- (a) in relation to land in England, the Secretary of State; and
- (b) in relation to land in Wales, the Welsh Ministers.”

**279.**—(1) Section 155 is amended as follows.

(2) In subsection (1)—

- (a) after “the Agency”, in the first and second places where it occurs, insert “ or the NRBW ”;
- (b) after “the Agency”, in the third place where it occurs, insert “ and the NRBW ”;
- (c) after “for the purpose of carrying out its functions” insert “ or, as the case may be, its relevant transferred functions ”.

(3) In subsections (3) and (4), after “the Agency” insert “ or, as the case may be, the NRBW ”.

(4) In subsection (5)—

- (a) after “the Agency”, in the first and second places where it occurs, insert “ or, as the case may be, the NRBW ”;
- (b) in paragraph (b), after “the Agency”, in each place where it occurs, insert “ or the NRBW ”.

(5) In subsection (6), after “the Agency” insert “ or, as the case may be, the NRBW ”.

**280.**—(1) Section 156 is amended as follows.

(2) In subsection (1)—

- (a) after “(incidental general powers of the Agency)” insert “ or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903) ”;
- (b) after “the Agency”, in the second place where it occurs, insert “ or, as the case may be, the NRBW, ”;
- (c) for “that section” substitute “ those provisions ”.

(3) In subsection (2)—

- (a) after “(incidental general powers of the Agency)” insert “ or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903) ”;
- (b) after “the Agency”, in the second place where it occurs, insert “ or, as the case may be, the NRBW, ”.

**281.**—(1) Section 157 is amended as follows.

(2) In subsection (1), after “the Agency” insert “ and the NRBW ”.

(3) In subsection (2), after “the Agency” insert “ or, as the case may be, the NRBW ”.

(4) After subsection (6) insert—

“(7) In this section “compulsorily acquired land”, in relation to the NRBW, means any land of the NRBW which—

- (a) was acquired by the NRBW compulsorily under the provisions of section 154 above or of an order under section 168 below;
- (b) was acquired by the NRBW at a time when it was authorised under those provisions to acquire the land compulsorily; or
- (c) being land which has been transferred to the NRBW from the Agency in accordance with a scheme made under section 23 of the Public Bodies Act 2011, was compulsorily acquired land of the Agency within the meaning of subsection (6).”

**282.**—(1) Section 158 is amended as follows.

(2) In subsection (1)—

- (a) after “section 37 of the 1995 Act (incidental powers of the Agency)” insert “ , or (as the case may be) of the NRBW by virtue of article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903), ”;
- (b) in paragraph (a), for “Agency” and “Agency's” substitute “ appropriate agency ” and “ appropriate agency's ” respectively;
- (c) in paragraph (c), for “Agency” substitute “ appropriate agency ”.

(3) In subsection (2), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(4) In subsection (3), for “Agency” substitute “ appropriate agency ”.

**283.** In sections 159 to 161B and 161D to 164, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**284.**—(1) Section 165 is amended as follows.

(2) In subsections (1), (1A), (2) and (3), for “Agency” substitute “ appropriate agency ”.

(3) In subsection (4)—

(a) after “Agency”, in each place where it occurs, insert “ or the NRBW ”;

(b) after “(grants to the new Agencies)” insert “ or article 12 of the Natural Resources Body for Wales (Establishment) Order 2012 (grants to the NRBW) (S.I. 2012/1903) ”.

(4) In subsection (5), after “Agency”, in each place where it occurs, insert “ or the NRBW ”.

**285.**—(1) Section 166 is amended as follows.

(2) In subsection (1)—

(a) after “section 37 of the 1995 Act (incidental powers of the Agency),” insert “ or (as the case may be) article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903), ”;

(b) for “Agency”, in the second place where it occurs, substitute “ appropriate agency ”.

(3) In subsection (2), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(4) In subsection (4), in the definition of “flood warning system”, in paragraph (c), for “Agency” substitute “ appropriate agency ”.

**286.**—(1) Section 167 is amended as follows.

(2) In subsection (1), for “Agency” substitute “ appropriate agency ”.

(3) In subsection (3), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**287.** After section 167 insert—

“**167A** Consultation in relation to works affecting flood and coastal erosion risks

(1) Before exercising a function to which this section applies in a manner which may affect a flood or coastal erosion risk (within the meaning of the Flood and Water Management Act 2010) in Wales, the Agency must consult the NRBW.

(2) Before exercising a function to which this section applies in a manner which may affect a flood or coastal erosion risk (within that meaning) in England, the NRBW must consult the Agency.

(3) This section applies to any function under—

(a) section 109;

(b) the flood risk management work provisions;

(c) byelaws made under paragraph 5 of Schedule 25.”

**288.**—(1) Section 168 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) After subsection (8) insert—

“(9) In this section, in relation to the NRBW, references to functions have effect as references to relevant transferred functions.”

**289.**—(1) Section 169 is amended as follows.

(2) In subsection (1)—

(a) for “or by the Agency”, substitute “ , by the Agency, or by the NRBW, ”;

- (b) in paragraph (a), after “Agency” insert “ or of any relevant byelaws made by the NRBW ”;
- (c) in paragraph (b), for “or the Agency” substitute “ , the Agency, or the NRBW ”.
- (3) In subsection (3), after “functions” insert “ or the NRBW carries out relevant transferred functions ”.
- (4) After subsection (3) insert—
  - “(3A) The Agency may designate a person under subsection (1) in relation to—
    - (a) any provision made by or under this Act, so far as it applies otherwise than in relation to Wales;
    - (b) any provision made by or under any other enactment, if the Agency carries out functions under or for the purposes of that provision;
    - (c) any byelaws made by the Agency.
  - (3B) The NRBW may designate a person under subsection (1) in relation to—
    - (a) any provision made by or under this Act, so far as it applies in relation to Wales;
    - (b) any provision made by or under any other enactment, if the NRBW carries out relevant transferred functions under or for the purposes of that provision;
    - (c) any relevant byelaws.”
- (5) In subsection (4), after “Agency’s” insert “ or the NRBW’s ”.
- (6) After subsection (4) insert—
  - “(5) In this section, “relevant byelaws” means byelaws made (or treated as if made) by the NRBW in the exercise of any relevant transferred functions.”

**290.**—(1) Section 170 is amended as follows.

- (2) In subsection (1), after “Agency” insert “ or by the NRBW ”.
- (3) In subsection (2)(a)(i), after “Agency” insert “ or the NRBW ”.
- (4) In subsection (3)—
  - (a) after “Agency”, in the first place where it occurs, insert “ or by the NRBW ”;
  - (b) after “Agency”, in the second place where it occurs, insert “ or the NRBW ”.

**291.**—(1) Section 171 is amended as follows.

- (2) In subsection (1), after “Agency” insert “ or by the NRBW ”.
- (3) In subsection (2), after “Agency”, in each place where it occurs, insert “ or the NRBW ”.
- (4) In subsection (3)(c), after “Agency” insert “ or the NRBW ”.
- (5) After subsection (5) insert—
  - “(6) In relation to the NRBW, the reference to functions in subsection (2)(a) has effect as a reference to relevant transferred functions.”

**292.**—(1) Section 172 is amended as follows.

- (2) In subsection (1)—
  - (a) for “or the Agency” substitute “ , by the Agency, or by the NRBW ”;
  - (b) in paragraph (a), for “or on the Agency” substitute “ , on the Agency, or on the NRBW, ”.
- (3) In subsections (2) and (3), for “or the Agency”, in each place where it occurs, substitute “ , the Agency, or the NRBW, ”.
- (4) In subsection (3A), after “Agency’s” insert “ or the NRBW’s ”.

(5) In subsection (4), after “Agency” insert “ or the NRBW ”.

(6) After subsection (4) insert—

“(5) In relation to the NRBW, the reference to functions in subsection (4) has effect as a reference to relevant transferred functions.”

**293.** In section 174(1) and (2), after “Agency” insert “ or by the NRBW ”.

**294.** In sections 175 to 183, for “Agency” and “Agency's”, in each place where they occur (including in the cross-heading before section 175 and the headings to sections 175 and 180), substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**295.** In section 184, for “the Agency”, in each place where it occurs, substitute “ the NRBW ”.

**296.** In section 185(2), for “Agency” substitute “ appropriate agency ”.

**297.**—(1) Section 186 is amended as follows.

(2) In subsection (1), at the appropriate place insert—

““relevant transferred functions” means any functions which—

- (a) were exercisable by the Agency before 1 April 2013, and
- (b) are functions of the NRBW by virtue of the Natural Resources Body for Wales (Functions) Order 2013,

but this is subject to subsection (1A).”

(3) After subsection (1) insert—

“(1A) For the purposes of the definition of “relevant transferred functions”—

- (a) a function of the Agency was exercisable before 1 April 2013 whether or not the enactment conferring it had come into force before that date, but
- (b) a function is only a relevant transferred function when the enactment conferring the Agency function transferred to or conferred on the NRBW has come into force.”

(4) In subsection (3), after “the Agency” insert “ or on the NRBW ”.

**298.** For section 188 substitute—

**“188 Duty of the Agency and NRBW to publish information**

(1) The Agency must—

- (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England; and
- (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside England.

(2) The NRBW must—

- (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in Wales; and
- (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside Wales.”



**299.** In sections 189 to 197 and 199 to 203, for “Agency” and “Agency's”, in each place where they occur (including in the cross-heading before section 189), substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**300.**—(1) Section 204 is amended as follows.

(2) In subsection (2)(a)—

(a) after “the Agency,” insert “ the NRBW, ”;

(b) for “or the Water Act 2003” substitute “ the Water Act 2003, or the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

(3) In subsection (3)(a), after paragraph (ia) insert—

“(ib) the NRBW;”.

**301.** In section 207, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**302.**—(1) Section 208 is amended as follows.

(2) In subsection (1)—

(a) after “Agency”, in the first place where it occurs, insert “ or the NRBW ”;

(b) after “Agency”, in the second place where it occurs, insert “ or, as the case may be, the NRBW, ”.

(3) In subsections (2) and (3), after “Agency”, in each place where it occurs, insert “ or the NRBW ”.

(4) In subsection (4)—

(a) after “Agency” insert “ or the NRBW ”;

(b) after “Agency's” insert “ or the NRBW's ”.

(5) In subsections (5) and (6), after “Agency”, in each place where it occurs, insert “ or the NRBW ”.

(6) Accordingly, the heading to section 208 becomes “ Civil liability of the Agency or NRBW for escapes of water etc ”.

**303.** In sections 210 to 216, for “Agency”, in each place where it occurs (including in the heading to section 210), substitute “ appropriate agency ”.

**304.**—(1) Section 221 is amended as follows.

(2) After the definition of “analyse” insert—

““the appropriate agency” means—

(a) for the purposes of the flood risk management work provisions—

(i) in relation to flood risks (within the meaning of the Flood and Water Management Act 2010) in Wales, the NRBW;

(ii) in any other case, the Agency;

(b) for any other purpose—

(i) in relation to Wales, the NRBW;

(ii) in any other case, the Agency;”.

(3) In the definition of “flood defence functions”—

(a) for “the Agency”, in the first place where it occurs, substitute “ the appropriate agency ”;

- (b) in paragraph (b), after “those functions” insert “ of the appropriate agency which were previously ”;
- (c) in paragraph (c), for “the Agency” substitute “ the appropriate agency ”.
- (4) After the definition of “flood defence provisions” insert—
  - ““flood risk management work provisions” means—
  - (a) sections 159(1A), 160(1A), 165 and 166; and
  - (b) any other provision of Part 7 so far as it relates to a provision falling within paragraph (a);”.
  - (5) After the definition of “notice” insert—
  - ““the NRBW” means the Natural Resources Body for Wales;”.
  - (6) In the definition of “public authority”, after “the Agency,” insert “ the NRBW, ”.
  - (7) In the definition of “the related water resources provisions”, in paragraph (b)(ii), after “subsections (1)” insert “ , (1A) ”.
  - (8) In the definition of “watercourse”, after “Agency” insert “ , the NRBW, ”.
  - (9) In the definition of “water pollution provisions”, in the closing words, after “subsections (1)” insert “ , (1A) ”.
  - (10) After subsection (1) insert—
    - “(1A) For the purposes of the definition of “the appropriate agency” in subsection (1), “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”

**305.**—(1) Section 222 is amended as follows.

- (2) In subsection (2), for “Agency” substitute “ appropriate body ”.
  - (3) In subsection (8)—
    - (a) after “Agency's” insert “ or the NRBW's ”;
    - (b) after “Agency” insert “ or the NRBW ”.
  - (4) In subsection (9), in the appropriate place insert—
    - ““the appropriate body” means—
    - (a) in relation to any act or omission of the Crown in England, the Agency;
    - (b) in relation to any act or omission of the Crown in Wales, the NRBW;”.
- 306.** In Schedule 2, in paragraphs 1 to 3, 5, 8 and 10, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.
- 307.** In Schedule 5, in paragraphs 2 to 5, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**308.**—(1) Schedule 6 is amended as follows.

- (2) In paragraph 1—
  - (a) in sub-paragraph (2), for “Agency” substitute “ appropriate agency ”;
  - (b) in sub-paragraph (4)—
    - (i) in the opening words, for “Agency” substitute “ appropriate agency ”;
    - (ii) at the end of paragraph (g) insert “ and ”;
    - (iii) omit paragraph (h);
  - (c) in sub-paragraph (5), for “Agency” substitute “ appropriate agency ”;

- (d) in sub-paragraph (6), for “Agency” and “Agency's” substitute “ appropriate agency ” and “ appropriate agency's ” respectively.
- (3) In paragraphs 2 to 4, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**309.** In Schedule 7, in paragraphs 1(3) and 4, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**310.**—(1) Schedule 8 is amended as follows.

(2) In paragraph 1(2), in the Table, in the entry relating to “All orders”, after paragraph (a) insert—  
“(aa) The NRBW (where it is not the applicant).”

(3) In paragraph 2(7)—

- (a) after “Agency” insert “ or in connection with relevant environmental functions of or in relation to the NRBW ”;
- (b) before “, a local inquiry held under this paragraph” insert “ as modified by subsection (4) of that section ”.

**311.** In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “appropriate agency's” respectively—

- (a) paragraphs 1 to 3 of Schedule 11;
- (b) paragraphs 1 and 2 of Schedule 14 (including the heading to that Schedule);
- (c) paragraphs 1 to 6 and 9 to 13 of Schedule 15;
- (d) paragraphs 1 to 3 of Schedule 16;
- (e) paragraphs 1 to 5, 7 and 8 of Schedule 19.

**312.**—(1) Schedule 20 is amended as follows.

(2) In paragraph 6(3)(b), after “Agency” insert “ or the NRBW ”.

(3) In paragraph 8(1), for “or the Agency” substitute “, the Agency or the NRBW ”.

**313.** In Schedule 21, in paragraphs 1, 2, 4 and 5, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**314.**—(1) Schedule 22 is amended as follows.

(2) In paragraphs 1(1), 2(1)(a) and 3(5), for “Agency” substitute “ appropriate agency ”.

(3) In paragraph 5—

- (a) for “Agency”, in each place where it occurs, substitute “ appropriate agency ”;
- (b) after “section 37 of the 1995 Act” insert “ or, as the case may be, article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”.

**315.** In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “appropriate agency's” respectively—

- (a) paragraphs 1 to 7 of Schedule 23;
- (b) paragraphs 1 to 6 of Schedule 25 (including the heading to that Schedule and the heading to paragraph 3);
- (c) paragraphs 1, 2 and 4 to 6 of Schedule 26 (including the heading to that Schedule);
- (d) paragraphs 1, 3 to 5 and 7 to 9 of Schedule 27.

**Land Drainage Act 1991 (c. 59) E+W**

**316.** The Land Drainage Act 1991 is amended as follows.

**317.** In sections 2 to 10, for “Agency”, in each place where it occurs (including in the headings to sections 4, 5, 7 and 9), substitute “ appropriate supervisory body ”.

**318.**—(1) Section 11 is amended as follows.

(2) In subsection (1), after “Agency”, in each place where it occurs, insert “ or the Natural Resources Body for Wales ”.

(3) In subsection (2), for “Agency”, in each place where it occurs, substitute “ appropriate supervisory body ”.

**319.** In section 14A(8)(b), for “Environment Agency” substitute “ appropriate agency ”.

**320.** In sections 16 and 18, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**321.** In section 22(3)(b), for “Agency” substitute “ appropriate agency ”.

**322.**—(1) Section 23 is amended as follows.

(2) In subsection (1B), for “Environment Agency” substitute “ appropriate agency ”.

(3) In subsection (1C), for “Environment Agency” substitute “ appropriate supervisory body ”.

**323.** In section 32, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**324.** In section 35(1), for “Agency” substitute “ appropriate agency ”.

**325.** In sections 36(1), 38, 39 and 47, for “Agency”, in each place where it occurs, substitute “ appropriate supervisory body ”.

**326.** In sections 56, 57 and 58, for “Agency”, in each place where it occurs (including in the headings to sections 57 and 58), substitute “ appropriate agency ”.

**327.** In section 59, after “Agency” insert “ or the Natural Resources Body for Wales ”.

**328.** In section 61A, for “Agency”, in each place where it occurs, substitute “ appropriate supervisory body ”.

**329.** In section 61B, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**330.** In section 61C, for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

**331.**—(1) Section 61E(4) is amended as follows.

(2) After paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In paragraph (b), omit “and the Countryside Council for Wales”.

**332.** In section 61F, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**333.**—(1) Section 67 is amended as follows.

(2) In subsection (2), after “Agency”, in each place where it occurs, insert “ or the Natural Resources Body for Wales ”.

(3) In subsection (5), for “Agency” substitute “ appropriate agency ”.

- 334.**—(1) In section 70, after “Agency” insert “ or the Natural Resources Body for Wales ”.
- (2) Accordingly, in the heading to that section, after “Agency” insert “ and Natural Resources Body for Wales ”.
- 335.**—(1) Section 72 is amended as follows.
- (2) In subsection (1)—
- (a) in the appropriate place insert—
- ““the appropriate agency” means—
- (a) in relation to England, the Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;
- “the appropriate supervisory body” means—
- (a) in relation to internal drainage districts which are wholly or mainly in England, the Agency;
- (b) in relation to internal drainage districts which are wholly or mainly in Wales, the Natural Resources Body for Wales.”;
- (b) in the definition of “drainage body”, after “Agency,” insert “ the Natural Resources Body for Wales, ”.
- (3) In subsection (6), after “Agency” insert “ , the Natural Resources Body for Wales ”.
- (4) In subsection (8), after “Agency” insert “ or the Natural Resources Body for Wales ”.
- 336.** In section 74(5), after “Agency” insert “ or the Natural Resources Body for Wales ”.
- 337.** In Schedule 2, in paragraphs 4(1)(b) and 5(1)(b), for “Agency” substitute “ appropriate supervisory body ”.
- 338.** In Schedule 4, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.
- 339.** In Schedule 6, in paragraph 1(1)(a), after “Agency,” insert “ the Natural Resources Body for Wales, ”.

#### **Transport and Works Act 1992 (c. 42) E+W**

**340.** In section 6(7)(b) of the Transport and Works Act 1992, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Protection of Badgers Act 1992 (c. 51) E+W**

**341.** In section 10(4)(b) of the Protection of Badgers Act 1992, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Clean Air Act 1993 (c. 11) E+W**

**342.** The Clean Air Act 1993 is amended as follows.

**343.**—(1) Section 31 is amended as follows.

(2) In subsection (4)(a)(ii) and (b), for “Environment Agency” substitute “ appropriate agency ”.

(3) After subsection (5) insert—

“(6) In this section, “appropriate agency” means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales.”

**344.** In section 36(2A), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

**345.** In section 40, before paragraph (a) insert—

“(za) “appropriate agency” means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;”.

### **Cardiff Bay Barrage Act 1993 (c. 42) E+W**

**346.** The Cardiff Bay Barrage Act 1993 is amended as follows.

**347.** In section 2(6), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**348.** In section 3(1), for the words from “granted” to “to” substitute “ granted by the Natural Resources Body for Wales to ”.

**349.**—(1) Section 8 is amended as follows.

(2) In subsection (1), in the opening words, for the words from “by the” to “in” substitute “ by the Natural Resources Body for Wales in ”.

(3) In subsection (2)(a), for the words from “specified” to “as” substitute “ specified by the Natural Resources Body for Wales as ”.

(4) In subsection (3)(b), for the words from “by the” to “for” substitute “ by the Natural Resources Body for Wales for ”.

(5) In subsection (4)(a), for the words from “the” to “and” substitute “ the Natural Resources Body for Wales, and ”.

**350.** In section 9(3), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**351.**—(1) Section 12 is amended as follows.

(2) In subsection (1)(b), for the words from “the” to “for” substitute “ the Natural Resources Body for Wales for ”.

(3) In subsection (3)(a), for the words from “the” to “and” substitute “ the Natural Resources Body for Wales, and ”.

**352.** In section 14(2), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**353.** In section 15(6)(b), for the words from “power” to “under” substitute “ power of the Natural Resources Body for Wales under ”.

**354.** In section 16(5), for the words after “consult” substitute “ the Natural Resources Body for Wales ”.

**355.** In section 20(6)(b), for the words from “the” to “under” substitute “ the Natural Resources Body for Wales under ”.

**356.** In section 26(2), for the words after “delegation” substitute “ to the Natural Resources Body for Wales ”.

**357.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 3(1), for the words from “and” to “carry” substitute “ and the Natural Resources Body for Wales, carry ”.

(3) In paragraph 11—

- (a) in sub-paragraph (1), in the opening words, for the words from “Where” to “and” substitute “ Where the Natural Resources Body for Wales and ”;
- (b) in sub-paragraph (2), for the words from “the” to “or a” substitute “ the Natural Resources Body for Wales or a ”.

**358.**—(1) Schedule 3 is amended as follows.

(2) In paragraph 2(1)—

(a) in paragraph (a)—

- (i) in sub-paragraph (i), for the words after “submitted to” substitute “ the Natural Resources Body for Wales ”;
- (ii) in sub-paragraph (ii), for the words after “approved by” substitute “ the Natural Resources Body for Wales ”;
- (iii) in sub-paragraph (iii), for the words after “given to” substitute “ the Natural Resources Body for Wales, and ”;
- (iv) in sub-paragraph (iv), for the words after “been sent to” substitute “ the Natural Resources Body for Wales ”;
- (b) in paragraph (b), in the opening words, for the words after “submit to” substitute “ the Natural Resources Body for Wales ”;
- (c) in paragraph (c), for the words after “submitted to” substitute “ the Natural Resources Body for Wales ”;
- (d) in paragraph (d), in the opening words, for the words from “which the” to “may” substitute “ which the Natural Resources Body for Wales may ”;
- (e) in paragraph (e), for the words from “allow” to “access” substitute “ allow the Natural Resources Body for Wales access ”.

(3) In paragraph 4(1)—

- (a) in paragraph (b), for the words from “agreed” to “at” substitute “ agreed by the Natural Resources Body for Wales, at ”;
- (b) in paragraph (e), in the opening words, for the words from “the” to “costs” substitute “ the Natural Resources Body for Wales costs ”.

(4) In paragraph 5—

- (a) in paragraph (b), for the words from “which” to “may” substitute “ which the Natural Resources Body for Wales may ”;
- (b) in paragraph (c), for the words from “allow” to “access” substitute “ allow the Natural Resources Body for Wales access ”;
- (c) in paragraph (d), for the words from “send” to “as soon” substitute “ send to the Natural Resources Body for Wales as soon ”.

(5) In paragraph 7—

- (a) in sub-paragraph (1)(a), for the words after “withholding” substitute “ by the Natural Resources Body for Wales of approval required by paragraph 2(1)(a)(ii) above ”;
- (b) in sub-paragraph (2), for the words from “and” to “to” substitute “ and the Natural Resources Body for Wales as to ”.

**359.** In Schedule 4, in paragraph 3(2)(b), for the words after “the” substitute “ Natural Resources Body for Wales, or ”.

**Coal Industry Act 1994 (c. 21) E+W**

**360.** In section 59(3) of the Coal Industry Act 1994, after paragraph (e) insert—

“(f) the Natural Resources Body for Wales is a relevant authority in relation to its relevant transferred functions (within the meaning of article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903)).”

**Environment Act 1995 (c. 25) E+W**

**361.** The 1995 Act is amended as follows.

**362.**—(1) Section 4 is amended as follows.

(2) In subsection (2)—

- (a) for “Ministers” substitute “ Secretary of State ”;
- (b) for “they consider” substitute “ the Secretary of State considers ”.

(3) In subsections (3) and (5)(c), for “Ministers consider” substitute “ Secretary of State considers ”.

(4) In subsection (7), for “Ministers” substitute “ Secretary of State ”.

(5) In subsection (9)—

- (a) for “Ministers” substitute “ Secretary of State ”;
- (b) for “they consider” substitute “ the Secretary of State considers ”.

**363.**—(1) Before the heading to section 5, insert the following Chapter heading—

“Chapter 1A E+W

General functions of the Agency and the Natural Resources Body for Wales”.

(2) Sections 5 to 10 become Chapter 1A of Part 1.

**364.**—(1) Section 5 is amended as follows.

(2) In subsection (1), for “The Agency's” substitute “ An appropriate agency's ”.

(3) In subsection (2), for “The Agency” substitute “ An appropriate agency ”.

(4) In subsection (3)—

- (a) in the opening words—
  - (i) for “either of the Ministers” substitute “ the appropriate national authority ”;
  - (ii) for “the Agency” substitute “ an appropriate agency ”;
- (b) in paragraph (a), for “that Minister” substitute “ the appropriate national authority ”;
- (c) in paragraph (b)—
  - (i) for “that Minister” substitute “ the appropriate national authority ”;
  - (ii) for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(5) In subsections (4) and (5), for “the Agency” substitute “ an appropriate agency ”.

(6) After subsection (5) insert—



“(6) But in relation to the Natural Resources Body for Wales, “pollution control powers” and “pollution control functions” do not include powers or functions which—

- (a) were exercisable by the Countryside Council for Wales or the Forestry Commissioners immediately before 1 April 2013; and
- (b) are functions of that Body by virtue of the Natural Resources Body for Wales (Functions) Order 2013.”

**365.**—(1) Section 6 is amended as follows.

(2) In subsection (1), for “the Agency”, in the first and second places where it occurs, substitute “an appropriate agency”.

(3) In subsection (2), omit “and Wales” in each place where it occurs.

(4) After subsection (2) insert—

“(2A) The Natural Resources Body for Wales must take all such action as it may from time to time consider, in accordance with any directions given under article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), to be necessary or expedient for the purpose—

- (a) of conserving, redistributing or otherwise augmenting water resources in Wales; and
- (b) of securing the proper use of water resources in Wales (including the efficient use of those resources);

but nothing in this subsection shall be construed as relieving any water undertaker of the obligation to develop water resources for the purpose of performing any duty imposed on it by virtue of section 37 of the Water Industry Act 1991 (general duty to maintain water supply system).”

(5) In subsection (4), after “England and” insert “the Natural Resources Body for Wales shall in relation to”.

(6) In subsection (5), after “England and” insert “the Natural Resources Body for Wales' flood defence functions shall extend to the territorial sea adjacent to”.

(7) In subsection (6), for “the Agency” substitute “an appropriate agency”.

(8) In subsection (7), omit “and Wales” in each place where it occurs.

(9) After subsection (7) insert—

“(7A) The area in respect of which the Natural Resources Body for Wales shall carry out its functions relating to fisheries shall be the whole of Wales, together with such part of the territorial sea adjacent to Wales as extends for six miles from the baselines from which the breadth of that sea is measured.”

(10) After subsection (8) insert—

“(9) For the purposes of this section, the parts of the territorial sea which are adjacent to Wales, and which are therefore not adjacent to England, are the parts of the sea which are treated as adjacent to Wales for the purposes of section 158 of the Government of Wales Act 2006.”

**366.**—(1) Section 8 is amended as follows.

(2) In subsection (1)—

(a) in the opening words—

- (i) omit “or the Countryside Council for Wales”;
- (ii) omit “or, as the case may be, Wales”;

- (b) in paragraph (b), for “the Agency”, in each place where it occurs, substitute “ an appropriate agency ”;
- (c) in the closing words—
  - (i) for “the Agency or (as the case may be) the Council” substitute “ Natural England ”;
  - (ii) for “to the Agency” substitute “ to the appropriate agency ”.
- (3) After subsection (1) insert—
 

“(1A) Where the Natural Resources Body for Wales is of the opinion that any area of land in Wales—

  - (a) is of special interest by reason of its flora, fauna or geological or physiographical features, and
  - (b) may at any time be affected by schemes, works, operations or activities of the Agency or by an authorisation given by the Agency,

the Natural Resources Body for Wales shall notify the fact that the land is of special interest for that reason to the Agency.”
- (4) In subsection (2)—
  - (a) in paragraph (b), for “the Agency”, in each place where it occurs, substitute “ an appropriate agency ”;
  - (b) in the closing words, for “Agency” substitute “ appropriate agency ”.
- (5) In subsection (3)—
  - (a) for “the Agency”, in the first place where it occurs, substitute “ an appropriate agency ”;
  - (b) after “subsection (1)” insert “ , (1A) ”;
  - (c) for “Agency”, in the second place where it occurs, substitute “ appropriate agency ”.
- (6) In subsection (4), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**367.**—(1) Section 9 is amended as follows.

(2) For subsection (1) substitute—

“(1) The appropriate national authority shall have power by order to approve any code of practice issued (whether by the appropriate national authority or by another person) for the purpose of—

- (a) giving practical guidance to an appropriate agency with respect to any of the matters for the purposes of which the provisions specified in subsection (5) have effect, and
- (b) promoting what appear to the appropriate national authority to be desirable practices by an appropriate agency with respect to those matters,

and may at any time by such an order approve a modification of such a code or withdraw its approval of such a code or modification.”

- (3) In subsection (2), for “section 6(1), 7 or 8 above, the Agency” substitute “ the provisions specified in subsection (5), an appropriate agency ”.
- (4) In subsection (3)—
  - (a) for “Neither of the Ministers shall” substitute “ The Secretary of State shall not ”;
  - (b) in paragraph (b), omit “and the Countryside Council for Wales”;
  - (c) in paragraph (d), omit “and the Sports Council for Wales”.
- (5) After subsection (3) insert—

- “(3A) The Welsh Ministers shall not make an order under this section unless they have first consulted—
- (a) the Natural Resources Body for Wales;
  - (b) the Sports Council for Wales; and
  - (c) such other persons as they consider it appropriate to consult.”
- (6) In subsection (4)—
- (a) omit “of each of the Ministers”;
  - (b) at the end insert “ (in the case of an order made by the Secretary of State) or of the National Assembly for Wales (in the case of an order made by the Welsh Ministers) ”.
- (7) After subsection (4) insert—
- “(5) The provisions referred to in subsections (1) and (2) are—
- (a) in relation to the Agency, sections 6(1), 7 and 8;
  - (b) in relation to the Natural Resources Body for Wales—
    - (i) sections 6(1) and 8; and
    - (ii) articles 5A, 5C, 5D, 5E and 5G of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).”

**368.** After section 9 insert—

“**9A** Duty of the Agency to cooperate with the Natural Resources Body for Wales

The Agency must cooperate with the Natural Resources Body for Wales, and coordinate its activities with those of the Natural Resources Body for Wales, as may be appropriate in the circumstances.”

**369.**—(1) Section 10 is amended as follows.

- (2) In subsection (1)—
- (a) in paragraph (a) omit “and”;
  - (b) after paragraph (a) insert—
    - “(aa) for the purposes of article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), in relation to the Natural Resources Body for Wales; and”;
  - (c) in paragraph (b), for “the Agency”, in each place where it occurs, substitute “ an appropriate agency ”;
  - (d) in the closing words, after “described in paragraphs (a)” insert “ , (aa) ”.
- (3) In subsection (2)—
- (a) in the opening words, for “the Agency” substitute “ an appropriate agency ”;
  - (b) in paragraphs (a) to (c), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.
- (4) In subsection (3), for “the Agency” substitute “ an appropriate agency ”.
- (5) In subsections (4) and (5)—
- (a) for “the Agency”, in the first place where it occurs in each of those subsections, substitute “ an appropriate agency ”;
  - (b) for “Agency”, in the second place where it occurs in each of those subsections, substitute “ appropriate agency ”.

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

(6) Accordingly, in the heading to section 10, after “Agency” insert “ and the Natural Resources Body for Wales ”.

**370.** In the heading to Chapter 3 of Part 1, after “the New Agencies” insert “ and the Natural Resources Body for Wales ”.

**371.** In section 40, after subsection (8) insert—

“(9) For the purposes of this section, the “appropriate Minister” in relation to the Agency is—

- (a) in any case not falling within paragraph (b), the Secretary of State;
- (b) in the case of a direction under subsection (1)—
  - (i) which would have any effect in Wales, or
  - (ii) which relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and which would have any effect in the catchment areas of the rivers Dee, Wye and Severn,

the Secretary of State or the Welsh Ministers.

(10) The Secretary of State may give a direction falling within subsection (9)(b) only after consulting the Welsh Ministers.

(11) The Welsh Ministers may give a direction under this section only with the consent of the Secretary of State.”

**372.**—(1) Section 41 is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), for “the Agency” substitute “ an appropriate agency ”;
- (b) in paragraph (b), for “a new Agency” substitute “ the Agency, the Natural Resources Body for Wales or SEPA ”;
- (c) in paragraphs (ba) and (c), for “the Agency” substitute “ an appropriate agency ”;
- (d) in paragraph (e), for “each of the new Agencies” substitute “ the Agency, the Natural Resources Body for Wales or SEPA ”;
- (e) in paragraph (f), for “each of the new Agencies” substitute “ an appropriate agency ”;
- (f) in paragraph (g), for “each of the new Agencies” substitute “ the Agency, the Natural Resources Body for Wales or SEPA ”;
- (g) in the closing words, for “new Agency” substitute “ body ”.

(3) In subsection (6), for “a new Agency” substitute “ the Agency, the Natural Resources Body for Wales or SEPA ”.

(4) After subsection (9) insert—

“(9A) The Natural Resources Body for Wales may not make a charging scheme unless the provisions of the scheme have been approved by the Welsh Ministers under section 42.”

**373.**—(1) Section 42 is amended as follows.

(2) In subsection (1)—

- (a) in the opening words, for “for his approval, a new Agency” substitute “ or the Welsh Ministers for approval, a charging authority ”;
- (b) in paragraph (b), at the end insert “ or, as the case may be, the Welsh Ministers ”.

(3) In subsection (2)—

- (a) in the opening words—
    - (i) for “for his” substitute “ or the Welsh Ministers for ”;
    - (ii) after “he” insert “ or they ”;
  - (b) in paragraph (a), after “him” insert “ or them ”.
- (4) In subsection (3)—
- (a) in the opening words, for “new Agency”, in each place where it occurs, substitute “ charging authority ”;
  - (b) in the closing words, after “Secretary of State” insert “ or, as the case may be, the Welsh Ministers ”.
- (5) In subsection (4)—
- (a) in the opening words—
    - (i) after “considers” insert “ or which the Welsh Ministers consider ”;
    - (ii) for “new Agency's” substitute “ charging authority's ”;
    - (iii) after “Secretary of State”, in the second place where it occurs, insert “ or the Welsh Ministers ”;
  - (b) in paragraph (a)—
    - (i) for “new Agency's” substitute “ charging authority's ”;
    - (ii) after “below” insert “ or (in the case of the Natural Resources Body for Wales) under article 13 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) ”;
  - (c) in paragraph (b), for “new Agency” substitute “ charging authority ”.
- (6) In subsection (5)—
- (a) after “Secretary of State” insert “ or the Welsh Ministers (as the case may be) ”;
  - (b) for “the Agency's” substitute “ an appropriate agency's ”;
  - (c) for “Agency” substitute “ appropriate agency ”;
  - (d) after “section 6(2)” insert “ or (2A) ”.
- (7) In subsection (6)—
- (a) after “Secretary of State”, in the first place where it occurs, insert “ or the Welsh Ministers ”;
  - (b) for “new Agency” substitute “ charging authority ”.
- (8) In subsections (8) and (9), for “new Agency”, in each place where it occurs, substitute “ charging authority ”.
- (9) In subsection (11), after “section 41 or 41A” insert “ and “charging authority” means the body that makes or proposes to make a charging scheme ”.

**374.**—(1) Section 53 is amended as follows.

(2) After subsection (1) insert—

“(1A) Without prejudice to any other provision of this Act or any other enactment by virtue of which an inquiry or other hearing is authorised or required to be held, the Welsh Ministers may cause an inquiry or other hearing to be held if it appears to them expedient to do so—

- (a) in connection with any of the relevant environmental functions of the Natural Resources Body for Wales; or

- (b) in connection with any of their functions in relation to the relevant environmental functions of that Body.”
- (3) In subsection (2)—
  - (a) in paragraph (a), after “Agency” insert “ or any of the relevant environmental functions of the Natural Resources Body for Wales ”;
  - (b) in paragraph (b), after “Agency” insert “ or any functions of the Welsh Ministers in relation to the relevant environmental functions of the Natural Resources Body for Wales ”;
  - (c) in the closing words, after “Agency” insert “ or, as the case may be, the Natural Resources Body for Wales ”.
- (4) After subsection (3) insert—
  - “(4) In this section, “relevant environmental functions” means—
    - (a) pollution control functions (within the meaning of section 5); and
    - (b) any functions relating to water resources, flood and coastal erosion risk management or fisheries.”

**375.**—(1) Section 56(1) is amended as follows.

(2) In the appropriate places insert the following definitions—

““appropriate agency” means the Agency or the Natural Resources Body for Wales;”;

““the appropriate national authority” means—

- (a) in relation to the Agency, the Secretary of State;
- (b) in relation to the Natural Resources Body for Wales, the Welsh Ministers;”.

(3) In the following definitions, for “the Agency”, in each place where it occurs, substitute “ an appropriate agency ”

- (a) the definition of “environmental licence” which applies in relation to the Agency; and
- (b) the definition of “flood defence functions”.

**376.** In sections 66(7)(a) and 72(2), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**377.** In section 80(6)(a), for “appropriate new Agency” substitute “ appropriate agency ”.

**378.**—(1) Section 81 is amended as follows.

(2) In subsection (1), after “new Agency” insert “ and the Natural Resources Body for Wales ”.

(3) In subsection (2)—

- (a) in the opening words, omit “, in relation to a new Agency;”;
- (b) in paragraph (a)—
  - (i) after “the Agency” insert “ or the Natural Resources Body for Wales ”;
  - (ii) after “above” insert “ (subject, in the case of the Body, to section 5(6) above) ”.

**379.** In section 87(3) and (7)(a), for “appropriate new Agency” substitute “ appropriate agency ”.

**380.** In section 91(1), for the definition of “the appropriate new Agency” substitute—

““the appropriate agency” means—

- (a) in relation to England, the Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;

(c) in relation to Scotland, SEPA;”.

**381.**—(1) Section 94 is amended as follows.

(2) In subsection (3)—

- (a) for “either new Agency” substitute “ a new Agency ”;
- (b) for “the other of them” substitute “ any other of them ”.

(3) In subsection (6)—

- (a) in the definition of “the appropriate Agency”—
  - (i) in paragraph (a) omit “and Wales”;
  - (ii) after paragraph (a) insert—
    - “(aa) in relation to Wales, the Natural Resources Body for Wales;”;
- (b) in the definition of “new Agency” for “or SEPA” substitute “ , the Natural Resources Body for Wales or SEPA ”.

**382.**—(1) Section 108 is amended as follows.

(2) In subsections (2) and (3), after “the Agency”, in each place where it occurs, insert “ , the Natural Resources Body for Wales ”.

(3) In subsection (15)—

- (a) in the definition of “enforcing authority”, after paragraph (b) insert—
  - “(bza) the Natural Resources Body for Wales;”;
- (b) in the definition of “pollution control functions” which applies in relation to the Agency and SEPA—
  - (i) in the opening words, after “the Agency” insert “ , the Natural Resources Body for Wales ”;
  - (ii) in the closing words, after “the Agency” insert “ or the Natural Resources Body for Wales ”;
  - (iii) at the end insert— “ but, in relation to the Natural Resources Body for Wales, does not include any functions which were exercisable by the Countryside Council for Wales or the Forestry Commissioners immediately before 1 April 2013 and are functions of that Body by virtue of the Natural Resources Body for Wales (Functions) Order 2013; ”.

**383.** In section 111(5), in the definition of “environmental licence”, after “the Agency” insert “ , the Natural Resources Body for Wales ”.

**384.**—(1) Section 113 is amended as follows.

(2) In subsection (1)—

- (a) for “a new Agency”, in each place where it occurs, substitute “ a relevant agency ”;
- (b) in paragraph (a), for “the other new Agency” substitute “ another relevant agency ”;
- (c) at the end of paragraph (b), omit “or”;
- (d) after paragraph (c) insert “or
  - (d) by the Natural Resources Body for Wales to the Forestry Commissioners;”;
- (e) in the closing words, for “either of the new Agencies” substitute “ any of the relevant agencies ”.

(3) In subsection (2), for “new Agency”, in each place where it occurs, substitute “ relevant agency ”.

(4) In subsection (5)—

(a) omit the definition of “new Agency”;

(b) at the end insert—

““relevant agency” means the Agency, the Natural Resources Body for Wales or SEPA.”

**385.** In section 115(3), after “the Agency” insert “ , the Natural Resources Body for Wales ”.

**386.** In Schedule 7, in paragraphs 4(1) and 14(3), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**387.** In Schedule 20, in paragraph 5(1)(c), after “the Agency” insert “ or the Natural Resources Body for Wales, as appropriate ”.

#### **Finance Act 1996 (c. 8) E+W**

**388.** The Finance Act 1996 is amended as follows.

**389.** In section 70(1), in the appropriate place insert—

““the Natural Resources Body for Wales” means the body established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903);”.

**390.** In Schedule 5, in paragraph 35(1), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

#### **Government of Wales Act 1998 (c. 38) E+W**

**391.** The Government of Wales Act 1998 is amended as follows.

**392.** In Part 3 of Schedule 4, omit paragraph 15.

**393.** In Schedule 7, omit paragraphs 1 and 2.

#### **Pollution Prevention and Control Act 1999 (c. 24) E+W**

**394.** The Pollution Prevention and Control Act 1999 is amended as follows.

**395.**—(1) Section 2(4) is amended as follows.

(2) In paragraph (a) omit “or Wales”.

(3) After paragraph (a) insert—

“(aa) the Natural Resources Body for Wales if the regulations are to apply in relation to Wales;”.

**396.** In section 3(4)(a), after “Environment Agency” insert “ , the Natural Resources Body for Wales ”.

#### **Care Standards Act 2000 (c. 14) E+W**

**397.** In Schedule 2A to the Care Standards Act 2000, in paragraph 15, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.



### **Regulation of Investigatory Powers Act 2000 (c. 23) E+W**

**398.** In Part 2 of Schedule 1 to the Regulation of Investigatory Powers Act 2000, after paragraph 28E insert—

*“The Natural Resources Body for Wales*

**28F** The Natural Resources Body for Wales.”

### **Freedom of Information Act 2000 (c. 36) E+W**

**399.**—(1) Part 6 of Schedule 1 to the Freedom of Information Act 2000 is amended as follows.

(2) Omit “The Countryside Council for Wales.”

(3) In the appropriate place insert “ The Natural Resources Body for Wales. ”

### **Countryside and Rights of Way Act 2000 (c. 37) E+W**

**400.** The Countryside and Rights of Way Act 2000 is amended as follows.

**401.** In section 1(2), in the definition of “the appropriate countryside body”, in paragraph (b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**402.** In sections 4(2) and 20(2) and (3), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**403.**—(1) Section 21 is amended as follows.

(2) In subsection (6)(a), after “any land” insert “ in England ”.

(3) After subsection (6) insert—

“(6A) Where—

(a) it appears to the Natural Resources Body for Wales that any land in a National Park in Wales which is dedicated for the purposes of this Part under section 16 consists wholly or predominantly of woodland, and

(b) the Natural Resources Body for Wales give to the relevant National Park Authority who are apart from this subsection the relevant authority for the purposes of this Chapter in relation to the land a notice stating that the Natural Resources Body for Wales are to be the relevant authority for those purposes as from a date specified in the notice,

the Natural Resources Body for Wales shall as from that date become the relevant authority in relation to that land for those purposes, but subject to subsection (7A).”

(4) In subsection (7), after “any land” insert “ in England ”.

(5) After subsection (7) insert—

“(7A) Where it appears to the Natural Resources Body for Wales that any land in relation to which they are by virtue of subsection (6A) the relevant authority for the purposes of this Chapter has ceased to consist wholly or predominantly of woodland, the Natural Resources Body for Wales may, by giving notice to the National Park Authority who would apart from subsection (6A) be the relevant authority, revoke the notice under subsection (6A) as from a date specified in the notice under this subsection.”

**404.** In section 26, for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

**405.**—(1) Section 33 is amended as follows.

(2) For “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

(3) In subsection (2) omit paragraph (b) (and the “and” before it).

**406.** In sections 58(1)(b) and 61(1)(f), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**407.**—(1) Section 82(2) is amended as follows.

(2) For “the Countryside Council for Wales (in this Part referred to as “the Council”)” substitute “ the Natural Resources Body for Wales (in this Part referred to as “the NRBW”) ”.

(3) For “Council”, in the second place where it occurs, substitute “ NRBW ”.

**408.** In sections 83, 84, 86(7)(a), 90(1)(a)(ii) and 91(3), for “Council”, in each place where it occurs, substitute “ NRBW ”.

**409.**—(1) Section 92(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” means the Natural Resources Body for Wales;”.

**410.** In Part 2 of Schedule 1, in paragraph 14(1), in the definition of “statutory undertaker”, after “Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**411.**—(1) Schedule 6 is amended as follows.

(2) In paragraph 12, in the section 119D(12) to be inserted into the Highways Act 1980 as respects Wales, in the definition of “the appropriate conservation body”, in paragraph (b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(3) In paragraph 16, in the section 135A(6)(c) to be inserted into that Act, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**412.** In Schedule 13, in paragraph 6(2), for “Council” substitute “ NRBW ”.

### **Waste and Emissions Trading Act 2003 (c. 33) E+W**

**413.** In section 19(4)(a) of the Waste and Emissions Trading Act 2003, for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

### **Water Act 2003 (c. 37) E+W**

**414.** The Water Act 2003 is amended as follows.

**415.** In section 3, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

**416.**—(1) Section 4 is amended as follows.

(2) In subsection (1), in the opening words, for “Environment Agency's” substitute “ appropriate agency's ”.

(3) For “the Agency”, in each place where it occurs, substitute “ the appropriate agency ”.

(4) In subsection (2)(a), for “Environment Agency” substitute “ appropriate agency ”.

**417.**—(1) Section 7 is amended as follows.

(2) In subsection (3)—

- (a) for “Agency”, in each place where it occurs, substitute “ appropriate agency ”;
- (b) for “Agency's” substitute “ appropriate agency's ”.

**418.** In section 10(5)(c), for “Agency” substitute “ appropriate agency ”.

**419.** In section 27(1)(a), for “Environment Agency” substitute “ appropriate agency ”.

**420.**—(1) Section 33 is amended as follows.

(2) In subsection (3)(a), for “Agency” substitute “ appropriate agency ”.

(3) In subsection (5)—

- (a) after “Environment Agency” insert “ or of the Natural Resources Body for Wales, whether framed by reference to the appropriate agency or otherwise, ”;
- (b) after “the Agency's” insert “ or, as the case may be, the Natural Resources Body for Wales' ”.

**421.**—(1) Section 52 is amended as follows.

(2) In subsection (1)—

- (a) at the end of paragraph (c), omit “and”;
- (b) after paragraph (c) insert—

“(ca) the Natural Resources Body for Wales, and”.

(3) In subsection (3), for paragraph (c) substitute—

- “(c) in the case of the Environment Agency and the Natural Resources Body for Wales, to their functions concerning water resources and water pollution so far as they relate to water and sewerage undertakers and licensed water suppliers.”

**422.** In section 102, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**423.** In section 103, for “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**424.** In section 105(2), after paragraph (b) insert—

“(ba) “the appropriate agency” has the meaning given by section 221 of the WRA,”.

## **Energy Act 2004 (c. 20) E+W**

**425.** The Energy Act 2004 is amended as follows.

**426.** In section 14(3)(g), after “the Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**427.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 4(2), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

(3) In paragraph 5(9), after paragraph (c) insert—

“(ca) the Natural Resources Body for Wales;”.

**428.**—(1) Schedule 3 is amended as follows.

(2) In paragraph 2(1), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

- (3) In paragraph 3(8), after paragraph (c) insert—  
“(ca) the Natural Resources Body for Wales;”.

**Civil Contingencies Act 2004 (c. 36) E+W**

- 429.** In Part 1 of Schedule 1 to the Civil Contingencies Act 2004, after paragraph 12 insert—  
“**12A** The Natural Resources Body for Wales.”

**Public Services Ombudsman (Wales) Act 2005 (c. 10) E+W**

- 430.** In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

**Natural Environment and Rural Communities Act 2006 (c. 16) E+W**

- 431.** The Natural Environment and Rural Communities Act 2006 is amended as follows.

**432.** In section 32(1)(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**433.** In section 42(2) and (4), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Commons Act 2006 (c. 26) E+W**

**434.** In Schedule 1 to the Commons Act 2006, in paragraph 1(1)(c) and (2), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Commissioner for Older People (Wales) Act 2006 (c. 30) E+W**

**435.** In Schedule 2 to the Commissioner for Older People (Wales) Act 2006, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

**Government of Wales Act 2006 (c. 32) E+W**

**436.** The Government of Wales Act 2006 is amended as follows.

**437.**—(1) Section 148(2) is amended as follows.

(2) Omit paragraph (b).

(3) After paragraph (k) insert—

“(ka) the Natural Resources Body for Wales;”.

**438.** In section 152(6), after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, if concerned in the case;”.

**Regulatory Enforcement and Sanctions Act 2008 (c. 13) E+W**

**439.**—(1) Schedule 5 to the Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

(2) Omit “Countryside Council for Wales”.

(3) In the appropriate place insert “ Natural Resources Body for Wales ”.

### **Planning Act 2008 (c. 29) E+W**

**440.** In Schedule 8 to the Planning Act 2008, in paragraph 2, in the subsections (1A)(a) and (5A)(a) to be inserted into section 15 of the Forestry Act 1967 in relation to Wales, for “England and Wales” substitute “ England or Wales ”.

### **Marine and Coastal Access Act 2009 (c. 23) E+W**

**441.** The Marine and Coastal Access Act 2009 is amended as follows.

**442.** In section 16(1), after paragraph (e) insert—

“(f) the Natural Resources Body for Wales.”

**443.** In section 147(1), in the definition of “the appropriate statutory conservation body”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**444.** In section 149(3), after paragraph (f) insert—

“(g) the Natural Resources Body for Wales, in a case where, if the order were made, the IFC district established by the order would adjoin the Welsh inshore region,”.

**445.** In section 152(2), after paragraph (g) insert—

“(h) the Natural Resources Body for Wales, in a case where the IFC district established by the order adjoins the Welsh inshore region,”.

**446.** In section 168(1), after paragraph (b) insert—

“(c) the Natural Resources Body for Wales.”

**447.**—(1) Section 232 is amended as follows.

(2) In subsection (1), for “the Environment Agency” substitute “ the appropriate agency ”.

(3) In subsection (5)—

(a) for “the Environment Agency”, in each place where it occurs, substitute “ the appropriate agency ”;

(b) in paragraphs (h)(iii) and (j), for “the Agency” substitute “ the appropriate agency ”.

(4) In subsection (8), in the appropriate place insert—

““appropriate agency” means—

(a) the Environment Agency, otherwise than in relation to Wales, and

(b) the Natural Resources Body for Wales, in relation to Wales;”.

**448.** In section 238(3), after paragraph (c) insert—

“(ca) byelaws made by the Natural Resources Body for Wales under Schedule 25 to the Water Resources Act 1991;”.

**449.** Omit section 313.

### **Equality Act 2010 (c. 15) E+W**

**450.**—(1) Schedule 19 to the Equality Act 2010 is amended as follows.

(2) In Part 2, omit “The Countryside Council for Wales or Cyngor Cefn Gwlad Cymru”.

(3) In Part 4, under the sub-heading “Cross-border Welsh authorities”, after the entry relating to the Environment Agency insert— “ The Natural Resources Body for Wales-A ”.

**Flood and Water Management Act 2010 (c. 29) E+W**

- 451.** The Flood and Water Management Act 2010 is amended as follows.
- 452.**—(1) Section 6 is amended as follows.
- (2) In subsection (13), after paragraph (a) insert—
- “(aa) the Natural Resources Body for Wales,”.
- (3) In subsection (15)(a), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.
- 453.** In section 11, after subsection (6) insert—
- “(6A) In exercising a function in a manner which may affect a flood risk or coastal erosion risk in England, the Natural Resources Body for Wales must have regard to the national and local strategies and guidance.”
- 454.** In section 12, after subsection (5) insert—
- “(5A) In exercising a function in a manner which may affect a flood risk or coastal erosion risk in Wales, the Environment Agency must have regard to the national and local strategies and guidance.”
- 455.** In section 13(8), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.
- 456.**—(1) Section 14 is amended as follows.
- (2) In subsection (2)—
- (a) at the end of paragraph (a) omit “and”;
- (b) after paragraph (a) insert—
- “(aa) the Natural Resources Body for Wales, and”.
- 457.** In section 15(10)(b)(ii), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.
- 458.**—(1) Section 17 is amended as follows.
- (2) In subsection (1), after “an area” insert “ in England ”.
- (3) After subsection (1) insert—
- “(1A) The Natural Resources Body for Wales may issue levies to the lead local flood authority for an area in Wales in respect of the Natural Resources Body for Wales' flood and coastal erosion risk management functions in that area.”
- (4) In subsection (3), for “Agency shall” substitute “ Agency and the Natural Resources Body for Wales shall each ”.
- 459.**—(1) Section 18 is amended as follows.
- (2) In subsection (1), at the end insert “ in England ”.
- (3) After subsection (1) insert—
- “(1A) The Natural Resources Body for Wales must report to the Minister about flood and coastal erosion risk management in Wales.”
- (4) Accordingly, the heading to section 18 becomes “ Reports about flood and coastal erosion risk management ”.
- 460.**—(1) Section 22 is amended as follows.

(2) In subsection (1), for “Environment Agency” substitute “ appropriate agency ”.

(3) In subsection (2), for “Agency” substitute “ appropriate agency ”.

(4) After subsection (2) insert—

“(3) The functions of the appropriate agency under subsection (1)(a) are, in any case affecting both a region that is wholly or mainly in England and a region that is wholly or mainly in Wales, exercisable by the Environment Agency and the Natural Resources Body for Wales acting jointly.”

**461.**—(1) Section 23 is amended as follows.

(2) In subsection (1)—

(a) in the opening words, for “Environment Agency” substitute “ appropriate agency ”;

(b) in paragraph (a), for “Agency” substitute “ appropriate agency ”;

(c) in paragraph (b), for “Agency's” substitute “ appropriate agency's ”.

(3) In subsections (2) to (4), for “Agency” substitute “ appropriate agency ”.

**462.**—(1) Section 25 is amended as follows.

(2) In subsection (1), for “Environment Agency” substitute “ appropriate agency ”.

(3) In subsection (2), for “Agency” substitute “ appropriate agency ”.

**463.** After section 26 insert—

**“26A** “The appropriate agency”

In this group of sections, “the appropriate agency” means—

(a) the Environment Agency in relation to English Committees, and

(b) the Natural Resources Body for Wales in relation to Welsh Committees.”

**464.**—(1) Section 38 is amended as follows.

(2) For “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

(3) In subsection (4), before paragraph (a) insert—

“(za) the other appropriate agency, if—

(i) the work is carried out in its area, or

(ii) consequences of the kinds listed in subsection (1) are likely to occur in its area.”.

(4) In subsection (6), for “Agency's” substitute “ appropriate agency's ”.

(5) After subsection (10) insert—

“(10A) In this section—

“the appropriate agency” means—

(a) the Environment Agency, in relation to work for the benefit of England, and

(b) the Natural Resources Body for Wales, in relation to work for the benefit of Wales;

“area”, in relation to an appropriate agency, means—

(a) in the case of the Environment Agency, England, and

(b) in the case of the Natural Resources Body for Wales, Wales.”

(6) Accordingly, in the heading to section 38, for “Environment Agency” substitute “ appropriate agency ”.

- 465.**—(1) Section 39 is amended as follows.
- (2) In subsections (4) and (8), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.
- (3) After subsection (14) insert—
- “(14A) In this section, “the appropriate agency” means—
- (a) the Environment Agency, in relation to work in England, and
- (b) the Natural Resources Body for Wales in relation to work in Wales.”
- 466.**—(1) Schedule 1 is amended as follows.
- (2) In paragraph 1, after paragraph (a) insert—
- “(aa) the Natural Resources Body for Wales,”.
- (3) In paragraph 6, after sub-paragraph (4) insert—
- “(4A) Before exercising a function under this paragraph in relation to an alteration, removal or replacement which may affect a flood or coastal erosion risk in Wales, the Environment Agency must consult the Natural Resources Body for Wales.
- (4B) Before exercising a function under this paragraph in relation to an alteration, removal or replacement which may affect a flood or coastal erosion risk in England, the Natural Resources Body for Wales must consult the Environment Agency.”
- 467.**—(1) In Schedule 3, paragraph 11(3) is amended as follows.
- (2) In paragraph (b), after “watercourse” insert “ in England ”.
- (3) After paragraph (b) insert—
- “(ba) the Natural Resources Body for Wales, if the drainage system directly or indirectly involves the discharge of water into a watercourse in Wales;”.
- 468.**—(1) In Schedule 4, in the provisions to which this paragraph applies, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.
- (2) This paragraph applies to the following provisions in Schedule 4—
- (a) in paragraph 7, the sections 2A to 2D to be inserted into the Reservoirs Act 1975;
- (b) in paragraph 12(5), the section 10(3A) to be inserted into that Act;
- (c) in paragraph 25(5), the section 13(5) to be inserted into that Act;
- (d) in paragraph 33, the section 21A to be inserted into that Act;
- (e) in paragraph 36, the section 22C to be inserted into that Act.

## PART 2 **E+W**

### Local Acts

#### Interpretation **E+W**

**469.** In this Part, a “relevant reference” (“cyfeiriad perthnasol”) means a reference which has effect as a reference to the Environment Agency.



**Dee Conservancy Act 1889 (c. clvi) E+W**

470. In the Dee Conservancy Act 1889, any relevant reference is to be treated as a reference to the Natural Resources Body for Wales.

**Dee and Clwyd River Authority Act 1973 (c. xxix) E+W**

471. In the Dee and Clwyd River Authority Act 1973, any relevant reference is to be treated as a reference to the Environment Agency and the Natural Resources Body for Wales acting jointly.

SCHEDULE 3 E+W

Article 4(1)

ASSEMBLY MEASURES

**Children and Families (Wales) Measure 2010 (nawm 1) E+W**

1. In section 6(1)(f) of the Children and Families (Wales) Measure 2010, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Waste (Wales) Measure 2010 (nawm 8) E+W**

2. In sections 8(1)(a), 11(1)(a) and 16(1)(a) of the Waste (Wales) Measure 2010, for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

**Welsh Language (Wales) Measure 2011 (nawm 1) E+W**

3.—(1) In Schedule 6 to the Welsh Language (Wales) Measure 2011, the table is amended as follows.

(2) Omit the entry relating to the Countryside Council for Wales.

(3) In the appropriate place insert—

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“The Natural Resources Body for Wales (“ <i>Corff Adnoddau Naturiol Cymru</i> ”)	Service delivery standards
	Policy making standards
	Operational standards
	Record keeping standards”.

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SCHEDULE 4 E+W

Article 4(2)

UK STATUTORY INSTRUMENTS

**Burry Inlet Cockle Fishery Order 1965 E+W**

1. The Burry Inlet Cockle Fishery Order 1965<sup>M26</sup> is amended as follows.

**Marginal Citations**

**M26** [S.I. 1965/1235](#) as amended by [S.I. 2010/630](#).

2.—(1) Article 2 is amended as follows.

(2) In paragraph (1), for “the Environment Agency (hereinafter referred to as “the Agency”)” substitute “the Natural Resources Body for Wales (hereinafter referred to as “the NRBW”)”.

(3) In paragraph (3), for “Agency” substitute “NRBW”.

3. In articles 3 to 9, for “Agency”, in each place where it occurs, substitute “NRBW”.

**Salmon and Migratory Trout (Restrictions on Landing) Order 1972** **E+W**

4.—(1) Article 4 of the Salmon and Migratory Trout (Restrictions on Landing) Order 1972 <sup>M27</sup> is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) After paragraph (1) insert—

“(2) For the purposes of paragraph (1), the Natural Resources Body for Wales is the River Authority having jurisdiction in any waters included in the area in relation to which that Body exercises its functions relating to fisheries by virtue of section 6(7A) of the Environment Act 1995.”

**Marginal Citations**

**M27** [S.I. 1972/1966](#) as amended by [S.I. 1975/639](#), [S.I. 1983/58](#).

**Plant Varieties and Seeds Tribunal Rules 1974** **E+W**

5. The Plant Varieties and Seeds Tribunal Rules 1974 <sup>M28</sup> are amended as follows.

**Marginal Citations**

**M28** [S.I. 1974/1136](#) as amended by [S.I. 2002/3198](#), [Constitutional Reform Act 2005 \(c. 4\)](#), [Schedule 4, Part 1, paragraph 80](#), [S.I. 2008/2683](#).

6.—(1) Rule 2(1) is amended as follows.

(2) In the definition of “respondent authority”, in paragraph (a), for “, the Forestry Commissioners;” substitute—

“—

(i) the Forestry Commissioners, where the appeal is made against their decision;

(ii) the Welsh Ministers, where the appeal is made against their decision;”.

7.—(1) In Schedule 1, Form 8 is amended as follows.

(2) In paragraph 1(c), for “the Forestry Commissioners” substitute “(the Forestry Commissioners) (or the Welsh Ministers)”.

## Forestry (Felling of Trees) Regulations 1979 **E+W**

8. The Forestry (Felling of Trees) Regulations 1979<sup>M29</sup> are amended as follows.

### Marginal Citations

**M29** [S.I. 1979/791](#) as amended by [S.I. 1987/632](#), [S.I. 2003/2155](#).

9. In regulation 3(1)—

- (a) in the definition of “the conservator”, after “the Commissioners” insert “ or the NRBW's ”;
- (b) in the appropriate place insert—  
““the NRBW” means the Natural Resources Body for Wales;”.

10. In regulation 4, after “the Commissioners” insert “ or the NRBW ”.

11. In regulation 6—

- (a) after “the Commissioners” insert “ or the NRBW ”;
- (b) after “the Commissioners” insert “ or the NRBW's ”.

12. In regulations 7, 8A, 9, 10, 12(1), 13 and 15, after “the Commissioners” insert “ or the NRBW ”.

13. In regulation 16 after “The Commissioners” insert “ , the NRBW ”.

14.—(1) Schedule 1 is amended as follows.

(2) In Forms 1, 3 and 10—

- (a) after “Commissioners”, in each place where it occurs, insert “ \* ”;
- (b) after “Commission”, in each place where it occurs, insert “ \* ”;
- (c) at the end of each form insert—

“\* in relation to Wales, “the Natural Resources Body for Wales” must be substituted for “the Forestry Commissioners

, “the Commissioners” and “Forestry Commission” in this form ”.

(3) In Forms 4 to 9—

- (a) after “Commissioners”, in each place where it occurs, insert “ \* ”;
- (b) at the end of each form insert—

“\* in relation to Wales, “the Natural Resources Body for Wales” must be substituted for “the Forestry Commissioners

in this form ”.

## Forestry (Exceptions from Restriction of Felling) Regulations 1979 **E+W**

15.—(1) Regulation 4(5) of the Forestry (Exceptions from Restriction of Felling) Regulations 1979<sup>M30</sup> is amended as follows.

(2) After “the Commissioners”, in the first place where it occurs, insert “ or the Natural Resources Body for Wales ”.

(3) After “the Commissioners”, in the second place where it occurs, insert “, the Natural Resources Body for Wales”.

(4) In sub-paragraph (a)(ii)—

(a) omit “Forestry”;

(b) after “Commissioners” insert “ or the Natural Resources Body for Wales”.

(5) In sub-paragraph (b), after “the Commissioners”, in each place where it occurs, insert “ or the Natural Resources Body for Wales”.

#### Marginal Citations

**M30** S.I. 1979/792 as amended by S.I. 1986/1356, S.I. 1990/526, S.I. 1996/252, S.I. 1998/603; modified by Utilities Act 2000 (c. 27), section 76(7).

### Forestry Commission Byelaws 1982 **E+W**

16. The Forestry Commission Byelaws 1982 <sup>M31</sup> are amended as follows.

#### Marginal Citations

**M31** S.I. 1982/648.

17.—(1) Byelaw 2 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs except in the definition of “the Commissioners”, substitute “the appropriate forestry authority”.

(3) In the appropriate place insert—

““the appropriate forestry authority” means—

(a) in relation to England, the Commissioners;

(b) in relation to Wales, the Natural Resources Body for Wales;”.

18. In byelaws 3, 5, 6 and 7, for “the Commissioners”, in each place where it occurs, substitute “the appropriate forestry authority”.

19. In Schedule 1, omit “In the County of Gwent, the part of Monmouth Community which is situated east of River Wye”.

### Drought Orders (Inquiries Procedure) Rules 1984 **E+W**

20.—(1) Rule 3 of the Drought Orders (Inquiries Procedure) Rules 1984 <sup>M32</sup> is amended as follows.

(2) After the definition of “appointed person” insert—

““appropriate agency” means—

(a) the Environment Agency, in relation to England;

(b) the Natural Resources Body for Wales, in relation to Wales;”.

(3) In the definition of “the authority”, for the words from “means” to “or” substitute “ means the appropriate agency or ”.

**Marginal Citations**

**M32** [S.I. 1984/999](#) as modified by [Environment Act 1995 \(c. 25\)](#), section 120(1), [Schedule 22](#), paragraph 233(1), and [S.I. 2000/253](#).

**Control of Pesticides Regulations 1986** **E+W**

21.—(1) Schedule 4 to the Control of Pesticides Regulations 1986 <sup>M33</sup> is amended as follows.

(2) In paragraph 2(1)(b), for “England and Wales)” substitute “ England), the Natural Resources Body for Wales (if the area in which the intended aerial application is to take place is in Wales) ”.

(3) In paragraph 6, in the definition of “appropriate nature conservation agency”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Marginal Citations**

**M33** [S.I. 1986/1510](#) as amended by [S.I. 1997/188](#), [S.I. 2001/880](#), [S.I. 2011/2131](#).

**Sludge (Use in Agriculture) Regulations 1989** **E+W**

22. The Sludge (Use in Agriculture) Regulations 1989 <sup>M34</sup> are amended as follows.

**Marginal Citations**

**M34** [S.I. 1989/1263](#) as amended by [S.I. 1990/880](#), [S.I. 1996/593](#), [S.I. 2000/656](#), [S.I. 2010/1820 \(W. 177\)](#).

23. In regulations 7(1) and 8(2), after “Scottish Environment Protection Agency”, in each place where it occurs, insert “ or, in Wales, the Natural Resources Body for Wales ”.

24. In regulation 11(1), for “The Environment Agency” substitute “ The Natural Resources Body for Wales ”.

25. In Schedule 2, in paragraph 2(2)(c), after “Scottish Environment Protection Agency” insert “ or, in Wales, the Natural Resources Body for Wales ”.

**Road Vehicles Lighting Regulations 1989** **E+W**

26.—(1) Regulation 3(2) of the Road Vehicles Lighting Regulations 1989 <sup>M35</sup> is amended as follows.

(2) In the Table, in the definition of “Emergency vehicle”, in column 2, after paragraph (d) insert—

“(da) a vehicle owned by the Natural Resources Body for Wales for the purposes of its functions relating to forestry and woodlands and used from time to time for the purposes of fighting fires;”.

**Marginal Citations**

**M35** [S.I. 1989/1796](#) as amended by [S.I. 1992/1217](#), [S.I. 1994/2280](#), [S.I. 1994/2567](#), [S.I. 1996/3016](#), [S.I. 2001/560](#), [S.I. 2004/3168](#), [S.I. 2005/2559](#), [S.I. 2005/2929 \(W. 214\)](#), [S.I. 2005/3169](#), [S.I. 2006/594](#), [S.I. 2006/1914](#), [S.I. 2008/1277](#), [S.I. 2009/3220](#), [S.I. 2010/1172](#), [S.I. 2011/935](#).

## General Drainage Charges (Forms) Regulations 1990 **E+W**

27. The General Drainage Charges (Forms) Regulations 1990 <sup>M36</sup> are amended as follows.

### Marginal Citations

**M36** S.I. 1990/564 as modified by Environment Act 1995 (c. 25), section 120(1), **Schedule 22**, paragraph 233(1).

28. In regulations 2 and 3, for the words from “by” to “shall” substitute “ by the Environment Agency or the Natural Resources Body for Wales shall ”.

29.—(1) The Schedule is amended as follows.

(2) In Form 1—

- (a) for the words before “, in exercise” substitute “ The [Environment Agency] [Natural Resources Body for Wales] (*delete as appropriate*) ”;
- (b) for the words from “Seal” to “is” substitute “ Seal of the [Environment Agency] [Natural Resources Body for Wales] (*delete as appropriate*) is ”;
- (c) for the words from “resolution” to “dated” substitute “ resolution of the [Environment Agency] [Natural Resources Body for Wales] (*delete as appropriate*) dated ”.

(3) In Form 2—

- (a) in the heading, for the second line substitute— “ **The [Environment Agency] [Natural Resources Body for Wales]** (*delete as appropriate*) ”;
- (b) in the first paragraph, for the words before “have raised” substitute “ The [Environment Agency] [Natural Resources Body for Wales] (*delete as appropriate*) ”;
- (c) in the paragraph following the table, for the words from “to the” to “Region” substitute “ to the [Environment Agency Region] [Natural Resources Body for Wales] (*delete as appropriate*) ”;
- (d) for the paragraph beginning “By order” substitute— “ By order of the [Environment Agency] [Natural Resources Body for Wales] (*delete as appropriate*) ”;
- (e) in note (a), for the words from “known to” to “insert” substitute “ known to the Environment Agency or the Natural Resources Body for Wales (as appropriate), insert ”.

## Planning (Hazardous Substances) Regulations 1992 **E+W**

30.—(1) Regulation 10(1) of the Planning (Hazardous Substances) Regulations 1992 <sup>M37</sup> is amended as follows.

(2) For sub-paragraph (e) substitute—

- “(e) the Environment Agency, where the land to which the application relates is in England;
- (ea) the Natural Resources Body for Wales, where the land to which the application relates is in Wales;”.

(3) In sub-paragraph (l), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### Marginal Citations

**M37** [S.I. 1992/656](#) as amended by [S.I. 1994/2567](#); modified by Environment Act 1995, section 120(1), Schedule 22, paragraph 233(1); and amended by [S.I. 1996/252](#), [S.I. 1999/981](#), [S.I. 2005/1082](#), [S.I. 2006/1388](#) (W. 138), [S.I. 2010/450](#) (W. 48).

### Town and Country Planning (Control of Advertisements) Regulations 1992 **E+W**

**31.** In regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 1992 <sup>M38</sup>, in the definition of “statutory undertaker”, for the words from “postal service” (in the second place where it occurs) to “water” substitute “postal service, the Environment Agency, the Natural Resources Body for Wales, any water”.

#### Marginal Citations

**M38** [S.I. 1992/666](#) as amended by [S.I. 1994/2351](#); modified by Environment Act 1995 (c. 25), section 120(1), [Schedule 22](#), paragraph 233(1); and amended by [S.I. 1996/252](#), [S.I. 1996/525](#), [S.I. 1999/1810](#), [S.I. 2001/1149](#), [S.I. 2001/4050](#), [S.I. 2003/2155](#), [S.I. 2005/3050](#), [S.I. 2012/791](#) (W. 106); modified by [S.I. 2003/284](#).

### Housing (Right to Buy) (Prescribed Persons) Order 1992 **E+W**

**32.** In the Schedule to the Housing (Right to Buy) (Prescribed Persons) Order 1992 <sup>M39</sup>, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

#### Marginal Citations

**M39** [S.I. 1992/1703](#) as amended by [S.I. 1994/2567](#); modified by Environment Act 1995 (c. 25), section 120(1), [Schedule 22](#), paragraph 233(1); and amended by [S.I. 1996/2651](#), [S.I. 2003/1615](#), [S.I. 2004/696](#), [S.I. 2005/2929](#) (W. 214), [S.I. 2012/1659](#).

### Public Path Orders Regulations 1993 **E+W**

**33.** In Schedule 1 to the Public Path Orders Regulations 1993 <sup>M40</sup>, in Forms 2 and 3, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

#### Marginal Citations

**M40** [S.I. 1993/11](#) as amended by [S.I. 1995/451](#), [S.I. 1999/416](#), [S.I. 2006/1177](#).

### General Drainage Charges (Relevant Quotient) Regulations 1993 **E+W**

**34.** In regulation 3 of the General Drainage Charges (Relevant Quotient) Regulations 1993 <sup>M41</sup>, for the words from “issued by” to “Regulations 1993” substitute “issued by the Environment Agency or the Natural Resources Body for Wales in respect of the district under the Flood and Coastal Erosion Risk Management (Levies) (England and Wales) Regulations 2011 <sup>M42</sup>”.

#### Marginal Citations

- M41** [S.I. 1993/165](#) as modified by [Environment Act 1995 \(c. 25\), section 120\(1\), Schedule 22, paragraph 233\(1\)](#).
- M42** This Schedule makes provision for the [Environment Agency \(Levies\) \(England and Wales\) Regulations 2011 \(S.I. 2011/696\)](#) to be renamed the Flood and Coastal Erosion Risk Management (Levies) (England and Wales) Regulations 2011.

### Drainage Rates (Forms) Regulations 1993 **E+W**

**35.**—(1) In the Schedule to the Drainage Rates (Forms) Regulations 1993<sup>M43</sup>, Form 2 is amended as follows.

(2) For the entry beginning “Contributions to” substitute— “ Contributions to the [Environment Agency] [Natural Resources Body for Wales] (delete as appropriate) ”.

(3) For the entry beginning “Contribution from” substitute— “ Contribution from the [Environment Agency] [Natural Resources Body for Wales] (delete as appropriate) ”.

#### Marginal Citations

- M43** [S.I. 1993/223](#).

### Surface Waters (River Ecosystem) (Classification) Regulations 1994 **E+W**

**36.** In regulation 3 of the Surface Waters (River Ecosystem) (Classification) Regulations 1994<sup>M44</sup>, in the closing words, for the words from “determined by” to “accordance” substitute “ determined by the appropriate agency in accordance ”.

#### Marginal Citations

- M44** [S.I. 1994/1057](#) as modified by [Environment Act 1995 \(c. 25\), section 120\(1\), Schedule 22, paragraph 233\(1\)](#).

### Urban Waste Water Treatment (England and Wales) Regulations 1994 **E+W**

**37.** The Urban Waste Water Treatment (England and Wales) Regulations 1994<sup>M45</sup> are amended as follows.

#### Marginal Citations

- M45** [S.I. 1994/2841](#) as modified by [Environment Act 1995 \(c. 25\), section 120\(1\), Schedule 22, paragraph 233\(1\)](#); amended by [S.I. 2003/1788](#), [S.I. 2005/2035](#), [S.I. 2010/675](#), [S.I. 2011/556](#).

**38.** In regulation 2(1), in the appropriate places insert the following definitions—

““the appropriate agency” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;”;

““England” includes the territorial sea adjacent to England not forming any part of Wales;”;



““Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”

**39.** In regulation 3(1), in sub-paragraphs (a) and (b), for the words from “with” to “for” substitute “with the appropriate agency for”.

**40.—**(1) Regulation 4 is amended as follows.

(2) In paragraph (3)—

- (a) in sub-paragraph (a), for the words before “has certified” substitute “the appropriate agency”;
- (b) in the closing words, for the words from “provided” to “has” substitute “provided and the appropriate agency has”.

**41.—**(1) Regulation 5 is amended as follows.

(2) In paragraph (3), for the words from “where” to “has” substitute “where the appropriate agency has”.

(3) In paragraph (5)(b), for the words before “has certified” substitute “the appropriate agency”.

(4) In paragraph (6), for the words before “shall provide” substitute “The appropriate agency”.

**42.—**(1) Regulation 6 is amended as follows.

(2) In paragraph (2), in the opening words, for the words from “duty” to “its” substitute “duty of the Environment Agency and of the Natural Resources Body for Wales, in exercising their”.

(3) In paragraph (3), for the words before “shall” substitute “The Environment Agency or, as the case may be, the Natural Resources Body for Wales”.

**43.** In regulation 8(2), after “Environment Agency” insert “or, as the case may be, the Natural Resources Body for Wales”.

**44.** In regulation 10(6), for the words after “behalf” substitute “of the appropriate agency”.

**45.—**(1) Regulation 11 is amended as follows.

(2) In paragraph (1), in the opening words, for the words after “duty” substitute “of the appropriate agency”.

(3) In paragraph (3), for the words before “shall retain” substitute “The appropriate agency”.

**46.** In regulation 12, in the opening words, for the words before “shall” substitute “The appropriate agency”.

**47.—**(1) Part 2 of Schedule 3 is amended as follows.

(2) In paragraph 1, in sub-paragraphs (a) and (c), for the words before “shall” substitute “The appropriate agency”.

## **Town and Country Planning (General Permitted Development) Order 1995** E+W

**48.** The Town and Country Planning (General Permitted Development) Order 1995 <sup>M46</sup> is amended as follows.

### **Marginal Citations**

**M46** S.I. 1995/418 as modified by Environment Act 1995 (c. 25), section 120(1), **Schedule 22**, paragraph 233(1); amended by S.I. 1996/252, S.I. 1996/528, S.I. 1997/366, S.I. 1999/293, S.I. 1999/416, S.I. 1999/1661, S.I. 1999/1783, Utilities Act 2000 (c. 27), **section 76(7)**, S.I. 2001/1149, S.I. 2001/4050, S.I.

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

2002/1878 (W. 187), [S.I. 2003/2155](#), [S.I. 2004/945](#), [S.I. 2004/3156](#) (W. 273), [S.I. 2006/124](#) (W. 17), [S.I. 2006/1386](#) (W. 136), [S.I. 2007/952](#) (W. 83), [S.I. 2008/502](#) (W. 43), [S.I. 2009/2193](#) (W. 185), [S.I. 2012/1346](#) (W. 167), [S.I. 2012/2318](#) (W. 252); modified by [Countryside and Rights of Way Act 2000](#) (c. 37), section 93, [Schedule 15](#), paragraph 17.

**49.** In article 1(2)—

- (a) in the definition of “area of outstanding natural beauty”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”;
- (b) in the definition of “statutory undertaker”, for the words from “Authority” to “water” substitute “ Authority, the Environment Agency, the Natural Resources Body for Wales, any water ”.

**50.**—(1) Schedule 2 is amended as follows.

(2) In Part 14, for the words after “other than” substitute “ the Environment Agency and the Natural Resources Body for Wales ”.

(3) In Part 15, in paragraph A, for the words from “by the” to “functions” substitute “ by the Environment Agency or the Natural Resources Body for Wales for the purposes of their respective functions ”.

(4) Accordingly, the heading to Part 15 becomes “ Development by the Environment Agency and the Natural Resources Body for Wales ”.

**National Park Authorities (Wales) Order 1995** E+W

**51.** The National Park Authorities (Wales) Order 1995 <sup>M47</sup> is amended as follows.

**Marginal Citations**

**M47** [S.I. 1995/2803](#) as amended by [S.I. 1996/534](#), [S.I. 1996/1224](#), [S.I. 1997/633](#), [S.I. 2007/3423](#) (W. 304), [S.I. 2010/490](#), [S.I. 2012/801](#) (W. 110).

**52.** In articles 9 and 13, and in Schedule 3, in paragraphs 6(2)(b) and 9, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**European Communities (Designation) Order 1996** E+W

**53.**—(1) The Schedule to the European Communities (Designation) Order 1996 <sup>M48</sup> is amended as follows.

(2) In the entry in Column (2) relating to the Forestry Commissioners, after “Measures” insert “ applying otherwise than in relation to Wales ”.

(3) After the entry relating to the Forestry Commissioners insert—

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“The Welsh Ministers

Measures applying in relation to Wales and relating to the common agricultural policy of the European Union in respect of forestry.”

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**Marginal Citations**

**M48** [S.I. 1996/266](#) as amended by [S.I. 1999/2788](#), [S.I. 2001/3495](#), [S.I. 2002/2840](#), [S.I. 2011/1043](#).

### **Environmental Licences (Suspension and Revocation) Regulations 1996** **E+W**

54.—(1) Regulation 3 of the Environmental Licences (Suspension and Revocation) Regulations 1996 <sup>M49</sup> is amended as follows.

(2) In the opening words, for “a new Agency” substitute “ the Agency, the Natural Resources Body for Wales or SEPA ”.

(3) In paragraphs (a) and (b), for “new Agency” substitute “ body in question ”.

#### **Marginal Citations**

**M49** [S.I. 1996/508](#).

### **Landfill Tax Regulations 1996** **E+W**

55. In regulation 21(5) of the Landfill Tax Regulations 1996 <sup>M50</sup>, after sub-paragraph (a) insert—  
“(aa) the Natural Resources Body for Wales;”.

#### **Marginal Citations**

**M50** [S.I. 1996/1527](#) as amended by [S.I. 1997/1431](#), [S.I. 1998/61](#), [S.I. 1999/3270](#), [S.I. 2002/1](#), [S.I. 2003/605](#), [S.I. 2003/2096](#), [S.I. 2003/2313](#), [S.I. 2004/769](#), [S.I. 2005/759](#), [S.I. 2006/1054](#), [S.I. 2007/965](#), [2007/1898](#), [S.I. 2007/3538](#), [S.I. 2008/770](#), [S.I. 2008/1482](#), [S.I. 2008/2693](#), [S.I. 2009/1890](#), [S.I. 2009/1930](#), [S.I. 2010/924](#), [S.I. 2010/675](#), [S.I. 2010/2437](#), [S.I. 2011/894](#), [S.I. 2012/885](#).

### **Welsh Language Schemes (Public Bodies) Order 1996** **E+W**

56. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 1996 <sup>M51</sup>, omit the entries relating to the Countryside Council for Wales.

#### **Marginal Citations**

**M51** [S.I. 1996/1898](#) as amended by [S.I. 2004/1771](#), [S.I. 2005/3225](#) (W. 237), [S.I. 2005/3226](#) (W. 238), [S.I. 2007/2602](#).

### **Control of Pollution (Applications, Appeals and Registers) Regulations 1996** **E+W**

57. The Control of Pollution (Applications, Appeals and Registers) Regulations 1996 <sup>M52</sup> are amended as follows.

#### **Marginal Citations**

**M52** [S.I. 1996/2971](#) as amended by [S.I. 1999/1006](#), [S.I. 2010/675](#).

58. In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “appropriate agency's” respectively—

- (a) in regulation 1(2), the definition of “register”;
- (b) regulation 8;
- (c) regulation 11.

**59.**—(1) Regulation 12 is amended as follows.

(2) In paragraph (1), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (6), after sub-paragraph (a) omit “and” and insert—

“(aa) the NRBW, if the appeal relates to information which the NRBW has determined is not commercially confidential; and”.

(4) In sub-paragraph (b), after “Agency” insert “, if the appeal relates to information which the Agency has determined is not commercially confidential ”.

**60.** In regulations 13(2)(a) and 15 to 17, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

### **Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996** **E+W**

**61.** The Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996 <sup>M53</sup> are amended as follows.

#### **Marginal Citations**

**M53** [S.I. 1996/3001](#) as amended by [S.I. 2000/3184](#), [S.I. 2001/3911](#).

**62.** In regulations 4 to 7, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

### **Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996** **E+W**

**63.** The Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996 <sup>M54</sup> is amended as follows.

#### **Marginal Citations**

**M54** [S.I. 1996/3061](#).

**64.** In the title to the Order and in article 1, after “Environment Agency” insert “ and Natural Resources Body for Wales ”.

**65.**—(1) Article 2 is amended as follows.

(2) In sub-paragraph (a)—

(a) after “the Environment Agency” insert “ and the Natural Resources Body for Wales ”;

(b) for “section 6(1), 7 and 8” substitute “ the provisions specified in section 9(5) ”.

(3) In sub-paragraph (b), after “the Environment Agency” insert “ and the Natural Resources Body for Wales ”.

### **Hedgerows Regulations 1997** **E+W**

**66.**—(1) Part 2 of Schedule 1 to the Hedgerows Regulations 1997 <sup>M55</sup> is amended as follows.

(2) In paragraph 6(1)(b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Marginal Citations**

**M55** [S.I. 1997/1160](#) as amended by [S.I. 2003/2155](#), [S.I. 2006/1177](#), [S.I. 2009/1307](#).

**Surface Waters (Fishlife) (Classification) Regulations 1997** **E+W**

**67.** The Surface Waters (Fishlife) (Classification) Regulations 1997<sup>M56</sup> are amended as follows.

**Marginal Citations**

**M56** [S.I. 1997/1331](#) as amended by [S.I. 2003/1053](#), [S.I. 2009/1264](#).

**68.**—(1) Regulation 4 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (5)—

(a) in the opening words, for “Environment Agency's” substitute “ appropriate agency's ”;

(b) in sub-paragraphs (a) and (b), for “Agency” substitute “ appropriate agency ”.

**69.** In regulation 5(1), for “Agency” substitute “ appropriate agency ”.

**70.** In regulation 6(3), for “Environment Agency” substitute “ appropriate agency ”.

**71.** In Part 1 of the Schedule, in the Table, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

**Surface Waters (Shellfish) (Classification) Regulations 1997** **E+W**

**72.** The Surface Waters (Shellfish) (Classification) Regulations 1997<sup>M57</sup> are amended as follows.

**Marginal Citations**

**M57** [S.I. 1997/1332](#) as amended by [S.I. 2009/1266](#).

**73.**—(1) Regulation 4 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (5)—

(a) for “Environment Agency's” substitute “ appropriate agency's ”;

(b) for “Agency” substitute “ appropriate agency ”.

**74.** In regulation 5, for “Agency” substitute “ appropriate agency ”.

**75.** In regulation 6(3), for “Environment Agency” substitute “ appropriate agency ”.

**Surface Waters (Dangerous Substances) (Classification) Regulations 1997** **E+W**

**76.** In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1997<sup>M58</sup>, for “the Environment Agency” and “the Agency” substitute “ the appropriate agency ”.

*Changes to legislation: There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)*

**Marginal Citations**

**M58** [S.I. 1997/2560](#).

**Surface Waters (Dangerous Substances) (Classification) Regulations 1998** **E+W**

77. In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1998 <sup>M59</sup>, for “the Environment Agency” and “the Agency” substitute “ the appropriate agency ”.

**Marginal Citations**

**M59** [S.I. 1998/389](#).

**Mines (Notice of Abandonment) Regulations 1998** **E+W**

78. In regulation 2 of the Mines (Notice of Abandonment) Regulations 1998 <sup>M60</sup>, after “Agency” insert “ or the NRBW ”.

**Marginal Citations**

**M60** [S.I. 1998/892](#).

**Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999** **E+W**

<sup>F2</sup>79. ....

**Textual Amendments**

**F2** [Sch. 4 para. 79](#) revoked (1.3.2016) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016 \(S.I. 2016/58\)](#), reg. 1(2), **Sch. 8** (with regs. 59, 60(2))

**Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999** **E+W**

<sup>M61</sup> 80. The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999 are amended as follows.

**Marginal Citations**

**M61** [S.I. 1999/367](#) as amended by [S.I. 2001/1149](#), [S.I. 2011/1043](#); modified by [Countryside and Rights of Way Act 2000 \(c. 37\)](#), section 93, **Schedule 15**, paragraph 17.

- 81.—(1) In regulation 2(1), the definition of “sensitive area” is amended as follows.
- (2) In sub-paragraph (f), omit “or the Countryside Council for Wales, as respects Wales,”.
- (3) After sub-paragraph (f) insert—
  - “(fa) an area of outstanding natural beauty in Wales designated as such by an order made—

- (i) under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949; or
- (ii) under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000;”.

**82.** In Schedule 3, in paragraph 2(c), for “, the Countryside Council for Wales and the Environment Agency” substitute “ and the Natural Resources Body for Wales ”.

### **National Assembly for Wales (Transfer of Functions) Order 1999** **E+W**

**83.**—(1) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 <sup>M62</sup> is amended as follows.

(2) In the entry relating to the Opencast Coal Act 1958—

- (a) for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”;
- (b) after “Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593)” insert “ and by the Natural Resources Body for Wales (Functions) Order 2013 ”.

#### **Marginal Citations**

**M62** [S.I. 1999/672](#) to which there are amendments not relevant to this Order.

### **Control of Major Accident Hazards Regulations 1999** **E+W**

**84.** The Control of Major Accident Hazards Regulations 1999 <sup>M63</sup> are amended as follows <sup>M64</sup>.

#### **Marginal Citations**

**M63** [S.I. 1999/743](#) as amended by [S.I. 2002/2469](#), [S.I. 2005/1088](#), [S.I. 2008/736](#), [S.I. 2008/960](#), [S.I. 2008/1087](#), [S.I. 2008/2337](#), [S.I. 2009/1595](#).

**M64** Schedule 7 contains transitional provisions relating to these Regulations.

**85.**—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Agency”.

(3) In the appropriate place insert—

““appropriate agency” in relation to an establishment in—

- (a) England, means the Environment Agency;
- (b) Scotland, means the Scottish Environment Protection Agency;
- (c) Wales, means the Natural Resources Body for Wales;”.

(4) In the definition of “competent authority”, for “Agency” substitute “ appropriate agency ”.

**86.** In regulations 7, 9, 10, 20 and 22, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

### **Water Protection Zone (River Dee Catchment) (Designation) Order 1999** **E+W**

87. In article 3 of the Water Protection Zone (River Dee Catchment) (Designation) Order 1999<sup>M65</sup>, for “the Environment Agency at Chester Road, Buckley, Clwyd” substitute “ the Natural Resources Body for Wales at Chester Road, Buckley, Flintshire ”.

#### **Marginal Citations**

**M65** [S.I. 1999/915](#) as amended by [S.I. 2007/3538](#), [S.I. 2010/675](#).

### **Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999** **E+W**

88. The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999<sup>M66</sup> are amended as follows.

#### **Marginal Citations**

**M66** [S.I. 1999/916](#).

89. In regulations 2(5) and 4 to 14, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

90. In regulation 7(2)(c), omit “or, in Wales, the Countryside Council for Wales”.

### **Anti-Pollution Works Regulations 1999** **E+W**

91. The Anti-Pollution Works Regulations 1999<sup>M67</sup> are amended as follows.

#### **Marginal Citations**

**M67** [S.I. 1999/1006](#) as amended by [S.I. 2009/1307](#), [S.I. 2009/3104](#).

92. In regulations 1 to 4 and 6(2), for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

### **Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999** **E+W**

93.—(1) Regulation 2(1) of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999<sup>M68</sup> is amended as follows.

(2) In the definition of “the consultation bodies”, in paragraph (d), for “the Countryside Council for Wales and the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M68** [S.I. 1999/1672](#) as amended by [S.I. 1999/416](#); modified by [Countryside and Rights of Way Act 2000 \(c. 37\)](#), section 93, [Schedule 15](#), paragraph 17; amended by [Utilities Act 2000 \(c. 27\)](#), [section 76\(7\)](#), [S.I. 2007/1996](#), [S.I. 2011/1043](#).



## **Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999** **E+W**

**94.**—(1) Regulation 2(1) of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999<sup>M69</sup> is amended as follows.

(2) In the definition of “consultation bodies”, in paragraph (b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(3) In the definition of “drainage body”, after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

### **Marginal Citations**

**M69** S.I. 1999/1783 as modified by Countryside and Rights of Way Act 2000 (c. 37), section 73(2); amended by S.I. 2005/1399, S.I. 2006/618, S.I. 2011/1043.

## **Town and Country Planning (Trees) Regulations 1999** **E+W**

**95.** The Town and Country Planning (Trees) Regulations 1999<sup>M70</sup> are amended as follows.

### **Marginal Citations**

**M70** S.I. 1999/1892 as amended by S.I. 2001/1149, S.I. 2001/4050, S.I. 2003/390 (W. 52), S.I. 2006/1281 (C. 43), S.I. 2012/792 (W. 107).

**96.**—(1) Regulation 10(1) is amended as follows.

(2) For “the Forestry Commissioners”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

(3) In sub-paragraph (b), omit “Commissioners”.

(4) In sub-paragraph (c), for “section 1 (finance for forestry) of the Forestry Act 1979” substitute “ article 10B of the Natural Resources Body for Wales (Establishment) Order 2012 for or in connection with the use or management of land for forestry purposes ”.

**97.**—(1) The Schedule is amended as follows.

(2) In paragraph 4, after “Forestry Commissioners” insert “ and Natural Resources Body for Wales ”.

(3) In paragraph 5(1)(e)—

(a) for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”;

(b) for “the Agency” substitute “ the Body ”.

## **Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999** **E+W**

**98.** The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999<sup>M71</sup> are amended as follows.

### Marginal Citations

**M71** S.I. 1999/2228 as modified by [Countryside and Rights of Way Act 2000 \(c. 37\)](#), [section 73\(2\)](#) and section 93, Schedule 15, paragraph 17; amended by [S.I. 2006/3106](#), [S.I. 2011/1043](#), [S.I. 2011/1824](#).

**99.**—(1) Regulation 2(1) is amended as follows.

(2) In the appropriate place insert—

““the appropriate forestry body” means, in relation to England, the Commissioners and, in relation to Wales, the Natural Resources Body for Wales;”.

(3) For the definition of “countryside bodies” substitute—

““countryside bodies” means—

- (a) where any part of the land is situated in England, the Environment Agency, Natural England and any other body designated by statutory provision as having specific environmental responsibilities in relation to England; and
- (b) where any part of the land is situated in Wales, any body designated by statutory provision as having specific environmental responsibilities in relation to Wales;”.

**100.** In regulation 2(3), for “the Commissioners” substitute “ the appropriate forestry body ”.

**101.**—(1) Regulation 4 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

(3) In paragraph (3), for “the Commissioners” substitute “ the appropriate forestry body's ”.

**102.**—(1) In regulations 5 and 6, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

(2) Accordingly, the heading to regulation 6 becomes “ Opinions of the appropriate forestry body ”.

**103.** In regulations 7 and 9 to 15, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

**104.**—(1) Regulation 16 is amended as follows.

(2) In the opening words, for “the Commissioners”, substitute “ the appropriate forestry body ”.

(3) In paragraph (b), for “the Commissioners” substitute “ the appropriate forestry body's ”.

**105.**—(1) Regulation 17 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

(3) In paragraph (2), for “the Commissioners” substitute “ the appropriate forestry body's ”.

(4) In paragraph (5), for “the Commissioner's” substitute “ the appropriate forestry body's ”.

(5) Accordingly, the heading to regulation 17 becomes “ Appeals against decisions of the appropriate forestry body ”.

**106.**—(1) Regulation 20 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

(3) In sub-paragraph (4)(a), for “the Commissioners” substitute “ the appropriate forestry body's ”.

**107.** In regulations 21 and 23, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

**108.** In regulation 23(1), omit “or suspect”.

**109.**—(1) Regulation 24(1) is amended as follows.

(2) For “England and Wales” substitute “ England or Wales ”.

(3) For “the Commissioners” substitute “ the appropriate forestry body ”.

**110.** In regulation 25, in paragraphs (3)(b) and (5)(b), for “their” substitute “ the appropriate forestry body's ”.

**111.**—(1) Schedule 2 is amended as follows.

(2) In paragraph 1, in the definition of “sensitive area”—

(a) in sub-paragraph (g), omit “or the Countryside Council for Wales, as respects Wales,”;

(b) after sub-paragraph (g) insert—

“(ga) an area of outstanding natural beauty in Wales designated as such by an order made—

(i) under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949; or

(ii) under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000;”.

(3) In paragraph 4, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate forestry body ”.

## **Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations**

**1999** **E+W**

**112.**—(1) Regulation 2(1) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 <sup>M72</sup> is amended as follows.

(2) In the definition of “the consultation bodies”—

(a) in sub-paragraph (d), omit “and Wales”;

(b) in sub-paragraph (f), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

### **Marginal Citations**

**M72** S.I. 1999/2892 as amended by S.I. 2006/657, S.I. 2008/960, S.I. 2011/1043.

## **Ionising Radiations Regulations 1999** **E+W**

<sup>F3</sup>**113.** . . . . .

### Textual Amendments

- F3** Sch. 4 para. 113 omitted (1.1.2018) by virtue of [The Ionising Radiations Regulations 2017 \(S.I. 2017/1075\)](#), reg. 1(2), [Sch. 9 para. 12](#) (with regs. 2(5), 3, Sch. 8)

## Water Industry (Prescribed Conditions) Regulations 1999 **E+W**

- 114.** The Water Industry (Prescribed Conditions) Regulations 1999 <sup>M73</sup> are amended as follows.

### Marginal Citations

- M73** [S.I. 1999/3442](#) as amended by [S.I. 2005/2035](#), [S.I. 2007/2457](#).

- 115.** In regulation 3(3)—

- (a) in sub-paragraph (b), before “the Environment Agency” insert “ where the determination relates to an area that is in the area of a water undertaker whose area is wholly in England, ”;
- (b) at the end of sub-paragraph (b) omit “and”;
- (c) after sub-paragraph (b) insert—
  - “(ba) where the determination relates to an area that is in the area of a water undertaker whose area is partly in England and partly in Wales, the Environment Agency and the Natural Resources Body for Wales; and”.

- 116.—**(1) Regulation 4 is amended as follows.

- (2) In paragraph (1), for “Environment Agency” substitute “ appropriate agency ”.

- (3) After paragraph (3) insert—

- “(4) In this regulation “appropriate agency” means—
- (a) where the proposed determination relates to the whole or part of an area of a water undertaker whose area is wholly in England, the Environment Agency;
  - (b) where the proposed determination relates to the whole or part of an area of a water undertaker whose area is partly in England and partly in Wales, the Environment Agency and the Natural Resources Body for Wales.”

## Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 **E+W**

- 117.** The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 <sup>M74</sup> are amended as follows.

### Marginal Citations

- M74** [S.I. 2000/1043](#) as amended by [S.I. 2000/3359](#), [S.I. 2005/1806](#) (W. 138), [S.I. 2010/1820](#) (W. 177), [S.I. 2011/988](#).

- 118.—**(1) Regulation 2(1) is amended as follows.

- (2) In the appropriate places insert the following definitions—

- ““the appropriate authority” means—

- (a) in relation to England, the Environment Agency;
  - (b) in relation to Wales, the NRBW;”;
- “the NRBW” means the Natural Resources Body for Wales;”.
- (3) In the definition of “registered holder”, for “Agency”, in each place where it occurs, substitute “appropriate authority”.
- 119.** In regulation 3(5)(b), for “Agency” substitute “appropriate authority”.
- 120.**—(1) Regulation 6 is amended as follows.
- (2) For “Agency”, in each place where it occurs, substitute “appropriate authority”.
  - (3) After paragraph (6) insert—
    - “(7) An application which relates to equipment held or to be held—
      - (a) only at a location in England must be made to the Environment Agency;
      - (b) only at a location in Wales must be made to the NRBW;
      - (c) at a location in both England and Wales must be made to the Environment Agency and the NRBW.”
- 121.** In regulation 7, for “Agency”, in each place where it occurs, substitute “appropriate authority”.
- 122.** In regulation 8(5), for “Agency”, in each place where it occurs, substitute “appropriate authority”.
- 123.**—(1) Regulation 9 is amended as follows.
- (2) In paragraph (5)—
    - (a) in sub-paragraph (b), omit “and the Welsh Assembly”;
    - (b) after sub-paragraph (b) insert—
      - “(c) exercise the functions in paragraphs (1) to (5) in relation to every location in England.”
  - (3) After paragraph (5) insert—
    - “(5A) The NRBW must compile an inventory of the contaminated equipment held at every location in Wales in respect of which there is a registered holder.
    - (5B) Subject to paragraph (3) an inventory compiled in accordance with paragraph (5A) must record the information specified in paragraph (2).
    - (5C) The NRBW must—
      - (a) before 30 September in each year, review the inventory which it has compiled in accordance with paragraph (5A) or, as the case may be, the most recent revision of that inventory; and
      - (b) on or before 30 September in each year provide the Welsh Ministers with a summary which shall include the total for the time being of—
        - (i) the number of registered holders; and
        - (ii) the number of items of equipment of which particulars are registered.”
  - (4) In paragraph (6), after “paragraph (5)(a)” insert “and paragraph (5C)”.
- 124.** In regulation 10, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

**125.** In regulation 11, in paragraphs (1), (5) and (6), for “Agency”, substitute “ appropriate authority ”.

**126.** In regulation 12 for “Agency” substitute “ appropriate authority ”.

**127.** In regulation 13B, for “The Environment Agency” substitute “ The NRBW ”.

### **Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000** **E+W**

**128.** The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 <sup>M75</sup> are amended as follows.

#### **Marginal Citations**

**M75** [S.I. 2000/1927](#) as amended by [S.I. 2007/1977](#), [S.I. 2011/1043](#); modified by the [Countryside and Rights of Way Act 2000 \(c. 37\)](#), section 93, [Schedule 15](#), paragraph 17.

**129.**—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “the consultative bodies”—

(a) in paragraph (c), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”;

(b) for paragraph (d) substitute—

“(d) where the application or proposed application relates to a section 36 consent—

(i) the Environment Agency, otherwise than in relation to Wales and the Welsh zone;

(ii) the Natural Resources Body for Wales in relation to Wales and the Welsh zone; and”.

(3) In the appropriate place insert—

““Welsh zone” has the meaning given by section 158 of the Government of Wales Act 2006.”

**130.**—(1) In Schedule 2, the definition of “sensitive area” is amended as follows.

(2) In sub-paragraph (h), omit “or the Countryside Council for Wales, as respects Wales,”.

(3) After sub-paragraph (h) insert—

“(ha) an area of outstanding natural beauty in Wales designated as such by an order made—

(i) under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949, or

(ii) under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000;”.

### **Pipe-line Works (Environmental Impact Assessment) Regulations 2000** **E+W**

**131.**—(1) Regulation 2 of the Pipe-line Works (Environmental Impact Assessment) Regulations 2000 <sup>M76</sup> is amended as follows.

(2) In the definition of “the consultation bodies”, in sub-paragraph (d), for “the Countryside Council for Wales and the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

**Marginal Citations**

**M76** [S.I. 2000/1928](#) as amended by [S.I. 2007/1992](#), [S.I. 2011/1043](#), [S.I. 2011/2453](#).

**Burry Port Harbour Revision Order 2000** **E+W**

**132.** The Burry Port Harbour Revision Order 2000 <sup>M77</sup> is amended as follows.

**Marginal Citations**

**M77** [S.I. 2000/2152](#).

**133.** In article 19(2)(g), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**134.** In the heading to article 46, for “Environment Agency” substitute “ Natural Resources Body for Wales ”.

**135.—**(1) Schedule 2 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs (including in the heading to that Schedule), substitute “ Natural Resources Body for Wales ”.

(3) In paragraph 7(3)(b), for “Environment Agency's” substitute “ Body's ”.

**Wye Navigation Order 2002** **E+W**

**136.** In article 3(2)(s) of the Wye Navigation Order 2002 <sup>M78</sup>, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Marginal Citations**

**M78** [S.I. 2002/1998](#) as amended by [S.I. 2003/2155](#).

**Forest Reproductive Material (Great Britain) Regulations 2002** **E+W**

**137.** The Forest Reproductive Material (Great Britain) Regulations 2002 <sup>M79</sup> are amended as follows <sup>M80</sup>.

**Marginal Citations**

**M79** [S.I. 2002/3026](#) as amended by [S.I. 2006/2530](#), [S.I. 2011/1043](#).

**M80** Schedule 7 contains transitional provisions relating to these Regulations.

**138.—**(1) Regulation 2 is amended as follows.

(2) In paragraph (2)—

(a) in the appropriate place insert—

““the appropriate authority”—

(a) in regulations 7 to 9, 20(b) and Schedules 2 to 5, has the meaning given in regulation 7(11);

- (b) in regulations 11, 13 and 14, has the meaning given in regulation 11(4);
- (c) in regulations 16, 18 and 22, has the meaning given in regulation 16(1B);
- (d) in regulation 25, has the meaning given in regulation 25(4);”;
- (b) for the definition of “authorised officer” substitute—
  - ““authorised officer” means—
  - (a) a person authorised by the Commissioners to exercise their powers and execute their functions under these Regulations; and
  - (b) a person authorised by the Welsh Ministers to exercise their powers and execute their functions under these Regulations;”;
- (c) in the definition of “Master Certificate”, for “Great Britain” substitute “ a relevant territory ”;
- (d) in the definitions of “official certificate” and “region of provenance”, after “the Commissioners” insert “ or the Welsh Ministers ”;
- (e) in the appropriate place insert—
  - ““relevant territory” means—
  - (a) England and Scotland; and
  - (b) Wales;”.
- (3) In paragraph (6)—
  - (a) omit “Commissioners”;
  - (b) after “payable to the Commissioners” insert “ or the Welsh Ministers ”.

**139.**—(1) Regulation 5 is amended as follows.

- (2) In paragraph (1)—
  - (a) after “provenance” insert “ in England and Scotland ”;
  - (b) for “Great Britain” substitute “ England and Scotland ”.
- (3) After paragraph (1) insert—
  - “(1A) The Welsh Ministers shall demarcate regions of provenance in Wales in respect of each of the species listed in Schedule 1 which exist in Wales and shall allocate to each region of provenance an identity code.
  - (1B) The Commissioners and the Welsh Ministers may together exercise their functions under paragraph (1) and (1A) so as to designate a region of provenance of which part is in Wales.”
- (4) In paragraph (2), for “shall draw up maps showing the demarcated regions of provenance referred to in paragraph (1)” substitute “ and the Welsh Ministers shall draw up maps showing the regions of provenance which they have demarcated pursuant to this regulation ”.

**140.**—(1) Regulation 6 is amended as follows.

- (2) In paragraph (1), for “The Commissioners shall establish and maintain” substitute “ There is to be ”.
- (3) After paragraph (1) insert—
  - “(1A) The Welsh Ministers shall maintain that part of the National Register recording basic material approved by them under regulation 7.
  - (1B) The Commissioners shall maintain that part of the National Register recording basic material approved by them under regulation 7.”



(4) In paragraph (2), for “The Commissioners shall make the National Register” substitute “ The Commissioners and the Welsh Ministers shall each make that part of the National Register which they maintain ”.

**141.**—(1) Regulation 7 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) After paragraph (10) insert—

“(11) In this regulation, regulations 8, 9 and 20(b), and in Schedules 2 to 5, “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to basic material located in Wales;
- (b) the Commissioners, in any other case.”

**142.** In regulation 8(2), in each place where it occurs, for “the Commissioners” substitute “ the appropriate authority ”.

**143.** In regulation 9, in each place where it occurs, for “the Commissioners” substitute “ the appropriate authority ”.

**144.**—(1) Regulation 11 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) In paragraph (1), for “Commissioners” substitute “ the appropriate authority's ”.

(4) In paragraph (1)(c), for “register” substitute “ National Register ”.

(5) After paragraph (3) insert—

“(4) In this regulation and regulations 13 and 14, “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to the collection, production or marketing of forest reproductive material in Wales;
- (b) the Commissioners, in any other case.”

**145.** In Regulation 13, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**146.** In regulation 14(3), for “the Commissioners” substitute “ the appropriate authority ”.

**147.**—(1) Regulation 16 is amended as follows.

(2) After paragraph (1) insert—

“(1A) The Register of Suppliers shall be maintained in two parts, namely—

- (a) a part maintained by the Welsh Ministers which shall record suppliers whose principal place of business or trade is in Wales;
- (b) a part maintained by the Commissioners which shall record suppliers whose principal place of business or trade is in England or Scotland.

(1B) In this regulation and regulations 18 and 22, “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to a supplier whose principal place of business or trade is in Wales;
- (b) the Commissioners, in relation to a supplier whose principal place of business or trade is in England or Scotland.”

(3) In paragraph (2)—

- (a) for “the Commissioners” substitute “ the appropriate authority ”;
  - (b) for “the Commissioners” substitute “ the appropriate authority's ”.
- (4) In paragraphs (3) to (5), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.
- (5) In paragraph (6), for “The Commissioners shall make the Register of Suppliers” substitute “ The Commissioners and the Welsh Ministers shall each make that part of the Register of Suppliers which they maintain ”.

**148.** In regulation 17(1), for “Great Britain”, in each place where it occurs, substitute “ a relevant territory ”.

**149.** In regulation 18, for “The Commissioners”, in each place where it occurs, substitute “ The appropriate authority ”.

**150.—**(1) Regulation 20(b) is amended as follows.

- (2) For “Great Britain” substitute “ a relevant territory ”.
- (3) For “the Commissioners” substitute “ the appropriate authority ”.

**151.—**(1) Regulation 21 is amended as follows.

- (2) In paragraph (1), after “material” insert “ from a relevant territory ”.
- (3) In paragraph (2)—
  - (a) after “despatch forest reproductive material” insert “ from a relevant territory ”;
  - (b) for “Great Britain” substitute “ that relevant territory ”.

**152.—**(1) Regulation 22 is amended as follows.

- (2) In paragraph (2)—
  - (a) after “despatch forest reproductive material” insert “ from a relevant territory ”;
  - (b) for “Great Britain” substitute “ that relevant territory ”.
- (3) In paragraph (3)—
  - (a) after “despatches forest reproductive material” insert “ from a relevant territory ”;
  - (b) for “the Commissioners” substitute “ the appropriate authority ”;
  - (c) for “Great Britain” substitute “ that relevant territory ”.

**153.** In regulation 23, after “forest reproductive material” insert “ in a relevant territory ”.

**154.** In regulation 24, for “Great Britain” substitute “ a relevant territory ”.

**155.—**(1) Regulation 25 is amended as follows.

- (2) In paragraph (1)—
  - (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
  - (b) for “the Commissioners” substitute “ the appropriate authority ”;
  - (c) for “Great Britain”, in the second place where it occurs, substitute “ the relevant territory ”.
- (3) In paragraph (2), for “Great Britain”, in each place where it occurs, substitute “ the relevant territory ”.
- (4) In paragraph (3), for “the Commissioners” substitute “ the appropriate authority ”.
- (5) After paragraph (3) insert—
  - “(4) In this regulation “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to the importation of forest reproductive material where the initial place of landing is in Wales;
- (b) the Commissioners, in relation to the importation of forest reproductive material where the initial place of landing is in England or Scotland.”

**156.**—(1) Regulation 26 is amended as follows.

(2) In paragraph (2), after “the Commissioners” insert “ or the Welsh Ministers (as the case may be) ”.

(3) In paragraph (3)(b), after “the Commissioners” insert “ or the Welsh Ministers ”.

(4) In paragraph (5), after “the Commissioners” insert “ or (according as the requirement was made) the Welsh Ministers ”.

**157.** In regulation 27(1), after “the Commissioners” insert “ or the Welsh Ministers (as the case may be) ”.

**158.**—(1) Regulation 32 is amended as follows.

(2) In paragraph (1)—

(a) after “the Commissioners” insert “ or the Welsh Ministers ”;

(b) in sub-paragraph (h), after “the Commissioners” insert “ or the Welsh Ministers' ”.

(3) In paragraph (3), after “the Commissioners” insert “ and the Welsh Ministers ”.

**159.** In Schedule 2, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**160.**—(1) Schedule 3 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) In paragraph 5, for “the Commissioners” substitute “ the appropriate authority's ”.

**161.**—(1) Schedule 4 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) In paragraph 2(c), for “the Commissioners” substitute “ the appropriate authority's ”.

(4) In paragraph 3(b), for “the Commissioners” substitute “ the appropriate authority's ”.

**162.** In Schedule 5, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

## **Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 E+W**

**163.** The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 <sup>M81</sup> are amended as follows.

### **Marginal Citations**

**M81** [S.I. 2003/164](#) as amended by [S.I. 2006/3124](#), [S.I. 2011/1043](#).

**164.**—(1) Regulation 2 is amended as follows.

*Changes to legislation: There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)*

- (2) Omit the definition of “the Agency”.
- (3) In the appropriate place insert—  
 ““appropriate authority” means—
  - (a) the Environment Agency in relation to a project in England;
  - (b) the Natural Resources Body for Wales in relation to a project in Wales;”.
- (4) In the definition of “consultation bodies”—
  - (a) in sub-paragraph (c), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”;
  - (b) in sub-paragraph (d), for “the Agency” substitute “ the appropriate authority ”.

**165.** In regulation 4, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate authority ” and “ appropriate authority's ” respectively.

**166.—**(1) Regulation 6 is amended as follows.

(2) For “Agency”, in each place where it occurs (including in the heading), substitute “ appropriate authority ”.

(3) In paragraph (4), before “the consultation bodies” insert “ , if different, ”.

**167.** In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate authority ” and “appropriate authority's” respectively—

- (a) regulations 7 to 9;
- (b) regulations 10 to 16 (including the headings to regulations 10 and 14).

**Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003** E  
+W

**168.** In regulations 2 and 3 of the Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003 <sup>M82</sup>, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the appropriate agency ”.

**Marginal Citations**  
**M82** [S.I. 2003/1788](#).

**Packaging (Essential Requirements) Regulations 2003** E+W

<sup>F4</sup>**169.** . . . . .

**Textual Amendments**  
**F4** [Sch. 4 para. 169](#) revoked (1.10.2015) by [The Packaging \(Essential Requirements\) Regulations 2015 \(S.I. 2015/1640\)](#), [reg. 1](#), [Sch. 6](#) (with [reg. 3\(5\)](#))

**Electronic Communications Code (Conditions and Restrictions) Regulations 2003** E+W

**170.** The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 <sup>M83</sup> are amended as follows.

**Marginal Citations**

**M83** [S.I. 2003/2553](#) as amended by [S.I. 2009/584](#).

**171.**—(1) Regulation 2(2) is amended as follows.

(2) Omit the definition of “Countryside Council for Wales”.

(3) In the definition of “national nature reserve”, in sub-paragraph (c), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(4) In the appropriate place insert—

““Natural Resources Body for Wales” means the Natural Resources Body for Wales as established by article 3(1) of the Natural Resources Body for Wales (Establishment) Order 2012;”.

**172.** In regulation 8(1)(b)(iii), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Water Environment (Water Framework Directive) (England and Wales) Regulations**

**2003** **E+W**

**173.** The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 <sup>M84</sup> are amended as follows.

**Marginal Citations**

**M84** [S.I. 2003/3242](#) as amended by [S.I. 2005/2035](#), [S.I. 2007/3538](#), [S.I. 2008/1097](#), [S.I. 2010/630](#) (C. 42), [S.I. 2011/556](#) (C. 19), [S.I. 2011/1043](#).

**174.**—(1) Regulation 2 is amended as follows.

(2) In paragraph (1), in the appropriate places insert the following definitions—

““the appropriate agency” means—

(a) in relation to a river basin district that is wholly in England, the Agency;

(b) in relation to a river basin district that is wholly in Wales, the NRBW; and

(c) in relation to a river basin district that is partly in England and partly in Wales, the Agency and the NRBW acting jointly;”;

““the NRBW” means the Natural Resources Body for Wales;”.

(3) After paragraph (1) insert—

“(1A) In these regulations, where the appropriate agency is required to make copies of a statement, summary, draft plan or plan (including an approved or revised plan) accessible to the public free of charge, references to doing so through its website mean—

(a) where the NRBW is the appropriate agency, through its website;

(b) where the Agency is the appropriate agency, through its website;

(c) where the Agency and the NRBW acting jointly are the appropriate agency, through their respective websites.

(1B) In these regulations, where the appropriate agency is required to make copies of a statement, summary, draft plan or plan (including an approved or revised plan) accessible to the public free of charge, references to doing so at its principal office and each of its principal regional offices mean—

- (a) where the NRBW is the appropriate agency, at its principal office and each of its principal regional offices;
- (b) where the Agency is the appropriate agency, at its principal offices and each of its principal regional offices;
- (c) where the Agency and the NRBW acting jointly are the appropriate agency, at their principal offices and each of their principal regional offices.”

**175.**—(1) Regulation 3 is amended as follows.

(2) In paragraph (1), after “the Assembly” insert “, the NRBW”.

(3) In paragraph (2), for “and the Assembly” substitute “, the Welsh Ministers, the Agency and the NRBW”.

**176.**—(1) Regulation 4 is amended as follows.

(2) In paragraph (2), after “the Assembly” insert “, the NRBW”.

(3) In paragraph (3)—

(a) in sub-paragraph (b), omit “and”;

(b) after sub-paragraph (b) insert—

“(ba) in the case of the NRBW, its principal office and its principal regional offices; and”.

**177.** In regulation 5(2), for “Agency” substitute “appropriate agency”.

**178.** In regulations 7 to 9, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

**179.**—(1) Regulation 10 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In paragraph (2)(b)—

(a) for “it thinks fit” substitute “the appropriate agency thinks fit”;

(b) in paragraph (i), for “its proposals” substitute “the appropriate agency's proposals”;

(c) in paragraph (ii), for “its draft proposals” substitute “the appropriate agency's draft proposals”.

**180.** In regulation 11(1), for “Agency” substitute “appropriate agency”.

**181.**—(1) Regulation 12 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In paragraph (1)—

(a) in sub-paragraph (a)(i), for “it is to take” substitute “the appropriate agency is to take”;

(b) in sub-paragraph (b), for “which it considers” substitute “which the appropriate agency considers”.

(4) In paragraph (2)(d), for “it thinks fit” substitute “the appropriate agency thinks fit”.

(5) In paragraph (5)(a)—

(a) at the end of paragraph (i) insert “and”;

(b) omit paragraph (ii);

(c) in paragraph (iii), for “and the Countryside Council for Wales” substitute “in relation to the part in England”.

**182.** In regulations 13 to 15, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**183.**—(1) Regulation 16 is amended as follows.

(2) In paragraph (1), for “Agency” substitute “ appropriate agency ”.

(3) In paragraph (3), for “it thinks fit” substitute “ the appropriate agency thinks fit ”.

**184.** In regulation 17, after “Agency” insert “ , the NRBW ”.

**185.**—(1) Regulation 18 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (1), after “its principal office” insert “ or (as the case may be) their principal offices ”.

**186.** In regulation 19(1), for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**187.**—(1) Regulation 20 is amended as follows.

(2) After paragraph (2) insert—

“(2A) Article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (directions to the Natural Resources Body for Wales) shall have effect as if the power in paragraph (3) to give directions included a power for the appropriate authority to give directions to any public body for the purposes of giving effect to the Directive.

(2B) Article 11A of the Natural Resources Body for Wales (Establishment) Order 2012 (further provision about directions) shall apply in relation to any direction given by virtue of paragraph (2A).”

(3) In paragraph (3), for “Agency” substitute “ appropriate agency ”.

**188.** In Part 2 of Schedule 2, after paragraph 29 insert—

“**30.** The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999.

**31.** The Natural Resources Body for Wales (Establishment) Order 2012.

**32.** The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003.”

#### **Environmental Assessment of Plans and Programmes Regulations 2004** **E+W**

**189.** In regulation 4(4)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004 <sup>M85</sup>, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M85** [S.I. 2004/1633](#) as amended by [S.I. 2011/1043](#).

#### **Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004** **E+W**

**190.** The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004 <sup>M86</sup> is amended as follows.

**Marginal Citations**

**M86** [S.I. 2004/1684](#).

**191.**—(1) Article 2 is amended as follows.

(2) In the appropriate place insert—

““the appropriate authority” means—

- (a) in relation to England and Scotland, the Forestry Commissioners;
- (b) in relation to Wales, the Welsh Ministers;”.

(3) For the definition of “authorised officer” substitute—

““authorised officer” means—

- (a) in relation to England and Scotland, an officer of the Forestry Commissioners or any person, whether or not an officer of the Forestry Commissioners, authorised by the Forestry Commissioners to be an inspector for the purposes of the Plant Health (Forestry) Order 2005;
- (b) in relation to Wales, an officer of the Welsh Ministers or any person, whether or not an officer of the Welsh Ministers, authorised by the Welsh Ministers to be an inspector for the purposes of the Plant Health (Forestry) Order 2005;”.

(4) In the definitions of “phytosanitary certificate” and “reforwarding phytosanitary certificate”, for “the Forestry Commissioners” substitute “ the appropriate authority ”.

**192.** In articles 3 and 4, for “the Forestry Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) Order 2004** **E+W**

**193.** The Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) Order 2004 <sup>M87</sup> is amended as follows.

**Marginal Citations**

**M87** [S.I. 2004/3213](#) as amended by [S.I. 2007/3450](#).

**194.**—(1) Article 2 is amended as follows.

(2) In the appropriate places insert the following definitions—

““the appropriate authority” means—

- (a) the Commissioners, in relation to England and Scotland;
- (b) the Welsh Ministers, in relation to Wales;”;

““Commissioners” means the Forestry Commissioners;”;

““relevant territory” means—

- (a) England and Scotland; and
- (b) Wales;”.

(3) For the definition of “inspector” substitute—

““inspector” means—



- (a) an inspector appointed by the Commissioners for the purposes of the Plant Health (Forestry) Order 2005 in relation to—
  - (i) the landing of any susceptible tree or susceptible wood in England or Scotland; and
  - (ii) any premises in England or Scotland;
- (b) an inspector appointed by the Welsh Ministers for the purposes of the Plant Health (Forestry) Order 2005 in relation to—
  - (i) the landing of any susceptible tree or susceptible wood in Wales; and
  - (ii) any premises in Wales;”.

**195.** In articles 3 and 4, for “Great Britain”, in each place where it occurs (including in the heading to article 3), substitute “ a relevant territory ”.

**196.**—(1) Article 5 is amended as follows.

(2) In paragraph (1)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”.

(3) In paragraph (2), for “Great Britain” substitute “ a relevant territory ”.

**197.** In article 6(2) and (3), for “Commissioners”, in each place where it occurs, substitute “ appropriate authority ”.

**198.** In article 8(2), for “another part of the United Kingdom” substitute “ a part of the United Kingdom other than a relevant territory ”.

**199.**—(1) Article 10(3) is amended as follows.

(2) For “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”.

(3) For “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”.

**200.** In article 13(1A), for “Great Britain” substitute “ a relevant territory ”.

### **End-of-Life Vehicles (Producer Responsibility) Regulations 2005** **E+W**

**201.**—(1) Regulation 24(4) of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005 <sup>M88</sup> is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a) insert—

“(aa) Wales, the Natural Resources Body for Wales;”.

#### **Marginal Citations**

**M88** [S.I. 2005/263](#) as amended by [S.I. 2010/1095](#), [S.I. 2011/988](#), [S.I. 2011/1043](#).

### **Charities (National Trust) Order 2005** **E+W**

**202.**—(1) The Appendix to the Charities (National Trust) Order 2005 <sup>M89</sup> is amended as follows.

(2) In Part 3 of the Schedule—

(a) omit “Countrywide Council for Wales”;

(b) in the appropriate place insert “ Natural Resources Body for Wales ”.

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**Marginal Citations**

**M89** [S.I. 2005/712](#).

**Hazardous Waste (England and Wales) Regulations 2005** **E+W**

**203.** The Hazardous Waste (England and Wales) Regulations 2005 <sup>M90</sup> are amended as follows.

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**Marginal Citations**

**M90** [S.I. 2005/894](#) as amended by [S.I. 2006/937](#), [S.I. 2007/3538](#), [S.I. 2010/675](#), [S.I. 2011/556](#) (C. 19), [S.I. 2011/988](#), [S.I. 2011/2043](#).

**204.** In regulation 11, after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

**205.**—(1) Schedule 7 is amended as follows.

(2) In paragraph 4(3)(b), after “from Northern Ireland” insert “ or the Natural Resources Body for Wales (where the waste is transported from Wales) ”.

(3) In paragraph 5—

(a) after “or Northern Ireland” insert “ or Wales ”;

(b) after “from Northern Ireland” insert “ or the Natural Resources Body for Wales (where the waste is transported from Wales) ”.

(4) In paragraph 6—

(a) in sub-paragraph (1), after “or Northern Ireland” insert “ or Wales ”;

(b) in sub-paragraph (2)(a)(i), after “in Northern Ireland” insert “ , or for the Natural Resources Body for Wales (where the waste is to be consigned to a consignee in Wales) ”.

**Drought Plan Regulations 2005** **E+W**

**206.** In regulation 2(2)(i) of the Drought Plan Regulations 2005 <sup>M91</sup>, omit “the Countryside Council for Wales and”.

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**Marginal Citations**

**M91** [S.I. 2005/1905](#).

**Plant Health (Forestry) Order 2005** **E+W**

**207.** The Plant Health (Forestry) Order 2005 <sup>M92</sup> is amended as follows <sup>M93</sup>.

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**Marginal Citations**

**M92** [S.I. 2005/2517](#) as amended by [S.I. 2006/2696](#), [S.I. 2008/644](#), [S.I. 2009/594](#), [S.I. 2009/3020](#), [S.I. 2011/1043](#).

**M93** Schedule 7 contains transitional provisions relating to this Order.

- 208.**—(1) Article 2 is amended as follows.
- (2) In the appropriate places insert the following definitions—
- ““the appropriate authority” means—
- (a) the Commissioners, in relation to England and Scotland;
  - (b) the Welsh Ministers, in relation to Wales;”;
- ““relevant territory” means—
- (a) England and Scotland; and
  - (b) Wales;”.
- (3) In the definition of “EC transit goods”, for “Great Britain” substitute “ a relevant territory ”.
- (4) For the definition of “inspector” substitute—
- ““inspector” means any person authorised by the Commissioners or the Welsh Ministers to be an inspector for the purposes of this Order (see article 2A for further provision about inspectors);”.
- (5) In the definition of “landed”, for “Great Britain” substitute “ a relevant territory ”.
- (6) For the definition of “register” substitute—
- ““registers” means the registers of forestry traders maintained under article 24(1) and (2);”.
- (7) In the definition of “registered”, for “register” substitute “ either or both of the registers ”.
- (8) In the definition of “trees intended for planting”, for “Great Britain” substitute “ a relevant territory ”.
- (9) After paragraph (3) insert—
- “(3A) In articles 4(1), 7(6)(b), 11(c), 12(6), 18(1), 20(3), (4), (5) and (6) and 29(4), any reference to another part of the European Union is a reference to any part of the European Union except a relevant territory.”

**209.** After article 2 insert—

**“Inspectors**

- 2A.**—(1) The functions of an inspector under articles 9, 10, 12, 13, 23 and 31(1) to (3) are exercisable—
- (a) in relation to tree pests and relevant material landed in England or Scotland, by an inspector authorised by the Commissioners;
  - (b) in relation to tree pests and relevant material landed in Wales, by an inspector authorised by the Welsh Ministers.
- (2) The functions of an inspector under article 30 are exercisable—
- (a) in relation to compliance with the provisions of this Order in England or Scotland, by an inspector authorised by the Commissioners;
  - (b) in relation to compliance with the provisions of this Order in Wales, by an inspector authorised by the Welsh Ministers.
- (3) The functions of an inspector under articles 31(4) to (7), 32, 40, and 41 are exercisable—
- (a) in relation to premises or a free zone in England or Scotland, by an inspector authorised by the Commissioners;
  - (b) in relation to premises or a free zone in Wales, by an inspector authorised by the Welsh Ministers.
- (4) In paragraph (5)—

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

- (a) “supplementary function” means a function of an inspector under articles 33, 35, 36 and 37;
- (b) “related function” means the function of an inspector under this Order in relation to which a supplementary function is exercised.

(5) A supplementary function is exercisable either by an inspector authorised by the Commissioners or by an inspector authorised by the Welsh Ministers according as the related function is exercisable under this article.

(6) The functions of an inspector under article 42 are exercisable—

(a) by an inspector authorised by the Commissioners in relation to—

- (i) premises in England or Scotland in respect of which a notice has been served under this Order;
- (ii) possession or control of tree pests or relevant material in England or Scotland; and
- (iii) sale or other disposal of tree pests or relevant material in England or Scotland;

(b) by an inspector authorised by the Welsh Ministers in relation to—

- (i) premises in Wales in respect of which a notice has been served under this Order;
- (ii) possession or control of tree pests or relevant material in Wales; and
- (iii) sale or other disposal of tree pests or relevant material in Wales.”

**210.** In article 3, in the definition of “approved place of inspection”, for “the Commissioners” substitute “ the appropriate authority ”.

**211.**—(1) Article 4 is amended as follows.

(2) In paragraph (1), for “Great Britain” substitute “ a relevant territory ”.

(3) In paragraph (2), for “the Commissioners” substitute “ the appropriate authority ”.

**212.**—(1) Article 6 is amended as follows.

(2) In paragraph (1)—

- (a) for “Great Britain” substitute “ a relevant territory ”;
- (b) after “notice” insert “ to the appropriate authority ”.

(3) In paragraph (2)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”.

(4) In paragraphs (3) and (4), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**213.**—(1) Article 7 is amended as follows.

(2) In paragraphs (1), (2) and (3), for “Great Britain”, in each place where it occurs, substitute “ a relevant territory ”.

(3) In paragraph (6)—

- (a) in sub-paragraph (a), for “Great Britain” substitute “ a relevant territory ”;
- (b) in sub-paragraph (b)—

- (i) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (ii) for “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”.

**214.**—(1) Article 8(1) is amended as follows.

- (2) For “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”.
- (3) For “Great Britain”, in the second place where it occurs, substitute “ the relevant territory ”.

**215.** In article 9(3), for “Great Britain” substitute “ a relevant territory ”.

**216.**—(1) Article 10(2) is amended as follows.

- (2) In sub-paragraph (a), for “Great Britain” substitute “ a relevant territory ”.
- (3) In sub-paragraph (b), for “control by the Commissioners” substitute “ control by the appropriate authority ”.

**217.** In article 11(c), for “Great Britain” substitute “ a relevant territory ”.

**218.**—(1) Article 12 is amended as follows.

- (2) In paragraph (5)—
  - (a) for “Great Britain” substitute “ a relevant territory ”;
  - (b) for “the Commissioners” substitute “ the appropriate authority ”.
- (3) In paragraph (6)—
  - (a) for “Great Britain” substitute “ a relevant territory ”;
  - (b) for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.
- (4) In paragraph (7), for “the Commissioners” substitute “ the appropriate authority ”.

**219.**—(1) Article 16 is amended as follows.

- (2) In paragraph (2)—
  - (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
  - (b) for “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”;
  - (c) for “the Commissioners” substitute “ the appropriate authority ”.
- (3) In paragraphs (3) and (4), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**220.**—(1) Article 17 is amended as follows.

- (2) In paragraph (1)—
  - (a) for “the Commissioners” substitute “ the appropriate authority ”;
  - (b) after “destination” insert “ , within the relevant territory, ”.
- (3) In paragraphs (2) to (4), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.
- (4) In paragraph (5), for “the Commissioners may” substitute “ the appropriate authority may ”.

**221.**—(1) Article 18 is amended as follows.

- (2) In paragraph (1)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
  - (b) for “Great Britain”, in the second place where it occurs, substitute “ that relevant territory ”.
- (3) In paragraph (2), for “Great Britain” substitute “ a relevant territory ”.

**222.** In article 19(1), after “shall” insert “ , in a relevant territory, ”

**223.**—(1) Article 20 is amended as follows.

(2) In paragraph (1)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “consigned to Great Britain from” substitute “ originating in that relevant territory or ”.

(3) In paragraph (2)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “consigned to Great Britain from” substitute “ originating in that relevant territory or ”;
- (c) for “Great Britain”, in the last place where it occurs, substitute “ that relevant territory ”.

(4) In paragraph (3)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “Great Britain”, in the second place where it occurs, substitute “ either relevant territory ”.

(5) In paragraph (4)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “Great Britain”, in the second place where it occurs, substitute “ either relevant territory ”;
- (c) for “Great Britain”, in the last place where it occurs, substitute “ the relevant territory in which the movement takes place ”.

(6) In paragraphs (5) and (6), for “Great Britain”, in each place where it occurs, substitute “ a relevant territory ”.

(7) In paragraph (7), for “the Commissioners” substitute “ the appropriate authority ”.

**224.**—(1) Article 22 is amended as follows.

(2) In paragraph (1)—

- (a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;
- (b) for “Great Britain”, in the last place where it occurs, substitute “ that relevant territory ”.

(3) In paragraph (3)—

- (a) in sub-paragraph (a), for “Great Britain”, in the first place where it occurs, substitute “ the relevant territory ”;
- (b) in sub-paragraph (b), for “Great Britain”, in each place where it occurs, substitute “ the relevant territory ”.

**225.** For article 24 substitute—

#### **“Registers of forestry traders**

**24.**—(1) The Commissioners shall maintain a register listing the particulars set out in paragraph (3) with respect to each forestry trader who—

- (a) engages in any activity to which this Order applies at any premises in England or Scotland; and

(b) meets the requirements of this Part.

(2) The Welsh Ministers shall maintain a register listing the particulars set out in paragraph (3) with respect to each forestry trader who—

(a) engages in any activity to which this Order applies at any premises in Wales; and

(b) meets the requirements of this Part.

(3) The particulars are—

(a) the name of the forestry trader;

(b) the name of the person responsible for making the application where that person is not the forestry trader;

(c) the trading name of the forestry trader where that name is different from that of the forestry trader;

(d) details of those activities to which this Order applies which the forestry trader undertakes or intends to undertake;

(e) the address of the premises at which the forestry trader undertakes or intends to undertake the activities referred to in sub-paragraph (d); and

(f) a registration number unique to the forestry trader.

(4) The registers shall be open to inspection by the European Commission.”

**226.** In article 25(3), for “register maintained under article 24(1)” substitute “ registers ”.

**227.**—(1) Article 26 is amended as follows.

(2) In paragraph (1)—

(a) for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”;

(b) for “plant” substitute “ forestry ”.

(3) In paragraph (2), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(4) In paragraph (3)—

(a) for “the Commissioners” substitute “ the appropriate authority ”;

(b) for “register” substitute “ registers ”.

(5) In paragraph (4)—

(a) for “the Commissioners” substitute “ the appropriate authority ”;

(b) for “plant” substitute “ forestry ”.

(6) In paragraph (5), for “the Commissioners” substitute “ the appropriate authority ”.

**228.** In article 27, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**229.**—(1) Article 28 is amended as follows.

(2) In paragraphs (1) to (3), for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) In paragraph (4), for “The Commissioners” substitute “ The appropriate authority's ”.

(4) In paragraph (5), for “the Commissioners” substitute “ the appropriate authority ”.

(5) In paragraph (6)—

(a) for “the Commissioners” substitute “ the appropriate authority ”;

(b) for “register” substitute “ registers ”.

**230.**—(1) Article 29 is amended as follows.

(2) In paragraph (1), for “Great Britain” substitute “ a relevant territory ”.

(3) In paragraph (2)—

(a) for “Great Britain”, in the first place where it occurs, substitute “ a relevant territory ”;

(b) omit “to Great Britain”.

(4) In paragraph (4), for “Great Britain” substitute “ a relevant territory ”.

**231.** In article 30(7), after “the Commissioners” insert “ or, as the case may be, the Welsh Ministers ”.

**232.**—(1) Article 31 is amended as follows.

(2) In paragraph (1), for “Great Britain” substitute “ a relevant territory ”.

(3) In paragraph (6)(b), for “Great Britain”, in each place where it occurs, substitute “ the relevant territory ”.

**233.** In article 32(5), after “the Commissioners” insert “ or, as the case may be, the Welsh Ministers ”.

**234.** In article 33(6)(a), for “the Commissioners” substitute “ the appropriate authority ”.

**235.** In article 34(4), for “register” substitute “ registers ”.

**236.**—(1) Article 36 is amended as follows.

(2) In paragraph (2), after “the Commissioners” insert “ or, as the case may be, the Welsh Ministers ”.

(3) In paragraph (3), for “the Commissioners” substitute “ the appropriate authority ”.

**237.**—(1) Article 38(1) is amended as follows.

(2) For “Great Britain” substitute “ a relevant territory ”.

(3) For “the Commissioners” substitute “ the appropriate authority ”.

**238.** In article 39, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**239.** In article 40(1), for “the Commissioners” substitute “ the appropriate authority ”.

**240.**—(1) Article 41 is amended as follows.

(2) In paragraph (1), for “the Commissioners” substitute “ the appropriate authority ”.

(3) In paragraph (2), for “Great Britain”, in the last place where it occurs, substitute “ a relevant territory ”.

**241.**—(1) Article 42 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

(3) In paragraph (2)(b)(iv), for “Great Britain” substitute “ a relevant territory ”.

**242.** In article 43(2), for “Great Britain” substitute “ a relevant territory ”.

**243.** In Schedule 7, in paragraph 2 of Part A, for “the Forestry Commission” substitute “ the appropriate authority ”.



**244.**—(1) Schedule 9 is amended as follows.

(2) In paragraph 3(b)—

(a) for “the Commissioners” substitute “ the appropriate authority ”;

(b) for “Great Britain” substitute “ a relevant territory ”.

(3) In paragraph 7(j), for “Great Britain” substitute “ the relevant territory ”.

**245.** In Schedule 13, in paragraph 2(b), for “the Commissioners” substitute “ the appropriate authority ”.

### **Water Resources (Abstraction and Impounding) Regulations 2006** **E+W**

**246.** The Water Resources (Abstraction and Impounding) Regulations 2006<sup>M94</sup> are amended as follows.

#### **Marginal Citations**

**M94** [S.I. 2006/641](#) as amended by [S.I. 2008/165](#).

**247.** In the following provisions, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “appropriate agency's” respectively—

(a) regulations 2 to 27 (including the headings to regulations 10, 15 to 24 and 26 and the cross-heading before regulation 14);

(b) regulations 29 to 32 (including the heading to regulation 31);

(c) regulation 34;

(d) Schedule 2 (including the heading to that Schedule and the headings to paragraphs 1, 2, 4, 6 and 8).

### **Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006** **E+W**

**248.** The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>M95</sup> are amended as follows.

#### **Marginal Citations**

**M95** [S.I. 2006/1466](#) as amended by [S.I. 2010/439](#), [S.I. 2010/1551](#), [S.I. 2011/556](#) (C. 19), [S.I. 2011/2085](#), [S.I. 2012/147](#), [S.I. 2012/1658](#).

**249.** In rule 4(1), in the appropriate place insert—

““the appropriate agency” means—

(a) the Environment Agency for works in or adjacent to England;

(b) the Natural Resources Body for Wales for works in or adjacent to Wales;”.

**250.**—(1) Rule 7(8) is amended as follows.

(2) In sub-paragraph (c), after “Environment Agency” insert “ for a proposal affecting land in or adjacent to, or tidal waters in or adjacent to, England ”.

(3) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**251.**—(1) Rule 8(4) is amended as follows.

(2) In sub-paragraph (c), after “Environment Agency” insert “ for a proposal affecting land in or adjacent to, or tidal waters in or adjacent to, England ”.

(3) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**252.** In rule 12(8)(e)(vi), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**253.**—(1) In Schedule 5, the table is amended as follows.

(2) In rows 1 to 6 and 20, in column (2), for “Environment Agency” substitute “ appropriate agency ”.

(3) In rows 17 and 18, in column (2), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**254.**—(1) In Schedule 6, the table is amended as follows.

(2) In rows 1 to 3, in column (2), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(3) In row 5, in column (2), for “Environment Agency” substitute “ appropriate agency ”.

#### **Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006** E+W

**255.** The Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006 <sup>M96</sup> is amended as follows.

#### **Marginal Citations**

**M96** [S.I. 2006/2695](#).

**256.**—(1) Article 2 is amended as follows.

(2) In the definition of “approved measure”, for “the Commissioners” substitute “ the appropriate authority ”.

(3) In the definition of “inspector”, after “the Commissioners” insert “ or the Welsh Ministers ”.

(4) After the definition of “repair” insert—

““the appropriate authority” means—

(a) the Commissioners, in relation to England and Scotland;

(b) the Welsh Ministers, in relation to Wales;”.

**257.** In articles 3 to 11, for “the Commissioners”, in each place where it occurs, substitute “ the appropriate authority ”.

**258.** In Schedule 2, in the form of certificate, before the Appendix insert—

“[or, as appropriate]

Signed on behalf of the Welsh Ministers”

#### **Plant Health (Fees) (Forestry) Regulations 2006** E+W

**259.** The Plant Health (Fees) (Forestry) Regulations 2006 <sup>M97</sup> are amended as follows.

**Marginal Citations**

**M97** S.I. 2006/2697 as amended by S.I. 2008/702, S.I. 2009/2956, S.I. 2010/2001.

- 260.** In regulation 2(1), in the appropriate place insert—  
““action” means any action for which a fee is payable pursuant to paragraphs (2) to (6) of regulation 3;”.
- 261.** For regulation 3(1) substitute—  
“(1) Fees are payable—  
(a) to the Forestry Commissioners, where an action is carried out by—  
(i) the Forestry Commissioners; or  
(ii) an inspector in circumstances where the relevant function of the inspector is exercisable by an inspector authorised by the Forestry Commissioners;  
(b) to the Welsh Ministers, where an action is carried out by—  
(i) the Welsh Ministers; or  
(ii) an inspector in circumstances where the relevant function of the inspector is exercisable by an inspector authorised by the Welsh Ministers.”

**Waste Electrical and Electronic Equipment Regulations 2006** **E+W**

**262.** The Waste Electrical and Electronic Equipment Regulations 2006 <sup>M98</sup> are amended as follows.

**Marginal Citations**

**M98** S.I. 2006/3289 as amended by S.I. 2007/3454, S.I. 2007/3538, S.I. 2009/2957, S.I. 2010/675, S.I. 2010/1155, S.I. 2011/988, S.I. 2011/1043.

- 263.**—(1) Regulation 2(1) is amended as follows.  
(2) In the definition of “appropriate authority”—  
(a) in sub-paragraph (a), omit “or Wales”;  
(b) after sub-paragraph (a) insert—  
“(aa) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in Wales, the Natural Resources Body for Wales;”;  
(c) in sub-paragraph (e)—  
(i) in paragraph (i), omit “or Wales”;  
(ii) after paragraph (i) insert—  
“(ia) where the producer's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;  
(d) in sub-paragraph (g)—  
(i) in paragraph (i), omit “or Wales”;  
(ii) after paragraph (i) insert—

- “(ia) where the operator of the scheme's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;
- (e) in sub-paragraph (h)—
- (i) in paragraph (i), omit “or Wales”;
- (ii) after paragraph (i) insert—
- “(ia) where the operator of the ATF's or the exporter's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;
- (f) in sub-paragraph (i)—
- (i) in paragraph (i), omit “or Wales”;
- (ii) after paragraph (i) insert—
- “(ia) where the operator of the collection facility's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”.
- (3) After the definition of “member State” insert—
- ““Natural Resources Body for Wales” means the body established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012;”.
- 264.** In regulation 41(4)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.
- 265.** In regulation 43(e)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.
- 266.**—(1) Regulation 45(5) is amended as follows.
- (2) At the end of sub-paragraph (a), omit “or”.
- (3) After sub-paragraph (a) insert—
- “(aa) by the Natural Resources Body for Wales in respect of applications for approval made under regulation 41 to that appropriate authority; or”.
- 267.** In regulation 47(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.
- 268.** In regulation 48(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.
- 269.**—(1) Regulation 51(4) is amended as follows.
- (2) At the end of sub-paragraph (a), omit “or”.
- (3) After sub-paragraph (a) insert—
- “(aa) by the Natural Resources Body for Wales in respect of applications for approval made under regulation 47 or 48 to that appropriate authority; or”.
- 270.** In regulation 66(1)(a) and (3)(a), after “Environment Agency” insert “ or of the Natural Resources Body for Wales”.
- 271.**—(1) Regulation 70(2) is amended as follows.
- (2) In sub-paragraph (a), omit “and Wales”.
- (3) After sub-paragraph (a) insert—
- “(aa) in Wales, the Natural Resources Body for Wales;”.

## Water Resources Management Plan Regulations 2007 **E+W**

**272.** In regulation 2(2)(i) of the Water Resources Management Plan Regulations 2007 <sup>M99</sup>, omit “the Countryside Council for Wales and”.

### Marginal Citations

**M99** [S.I. 2007/727](#).

## Producer Responsibility Obligations (Packaging Waste) Regulations 2007 **E+W**

**273.** The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 <sup>M100</sup> are amended as follows.

### Marginal Citations

**M100** [S.I. 2007/871](#) as amended by [S.I. 2007/3538](#), [S.I. 2008/1941](#), [S.I. 2010/675](#), [S.I. 2010/1820](#) (W. 177), [S.I. 2010/2849](#), [S.I. 2011/988](#), [S.I. 2011/1043](#).

**274.—**(1) Regulation 2 is amended as follows.

(2) For the definition of “appropriate agency” substitute—

““appropriate agency” means—

- (a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in England, the Environment Agency;
- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Scotland, SEPA;
- (c) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Wales, the Natural Resources Body for Wales;
- (d) for the purposes of any provision of these Regulations relating to the obligations of any other person—
  - (i) the Environment Agency, where at the beginning of the relevant year the person's registered office or principal place of business is in England;
  - (ii) SEPA, where at the beginning of the relevant year the person's registered office or principal place of business is in Scotland;
  - (iii) the Natural Resources Body for Wales, where at the beginning of the relevant year the person's registered office or principal place of business is in Wales;
  - (iv) at the election of the person, the Environment Agency, SEPA or the Natural Resources Body for Wales, where at the beginning of the relevant year the person does not have a registered office or principal place of business in Great Britain;
  - (v) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Scotland (but not in Wales)—
    - (aa) the Environment Agency where the operators have elected to apply for approval of the scheme from the Secretary of State; or
    - (bb) SEPA where the operators have elected to apply for approval of the scheme from the Scottish Ministers;

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

- (vi) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in Wales and in Scotland (but not in England)—
  - (aa) the Natural Resources Body for Wales where the operators have elected to apply for approval of the scheme from the Secretary of State; or
  - (bb) SEPA where the operators have elected to apply for approval of the scheme from the Scottish Ministers;
- (vii) in relation to schemes where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Wales (but not in Scotland), at the election of the operators, the Environment Agency or the Natural Resources Body for Wales; or
- (viii) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England, in Scotland and in Wales—
  - (aa) SEPA, where the operator has elected to apply for approval of the scheme from the Scottish Ministers;
  - (bb) at the election of the operator, the Environment Agency or the Natural Resources Body for Wales, where the operator has elected to apply for approval from the Secretary of State.”

(3) In the definition of “appropriate authority”, in sub-paragraphs (b)(i) and (d), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.

**275.** In regulation 40B, for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

#### **Marine Works (Environmental Impact Assessment) Regulations 2007** E+W

**276.** In regulation 2(1) of the Marine Works (Environmental Impact Assessment) Regulations 2007 <sup>M101</sup>, in the definition of “the nature conservation bodies”, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

##### **Marginal Citations**

**M101** [S.I. 2007/1518](#) as amended by [S.I. 2011/735](#), [S.I. 2011/1043](#).

#### **Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007** E+W

**277.** The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 <sup>M102</sup> are amended as follows.

##### **Marginal Citations**

**M102** [S.I. 2007/1842](#) as amended by [S.I. 2009/7](#), [S.I. 2010/490](#), [S.I. 2010/491](#), [S.I. 2010/1513](#), [S.I. 2011/1043](#), [S.I. 2011/2043](#), [S.I. 2012/1809](#), [S.I. 2012/1928](#).

**278.** In regulation 25(3)(c), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**279.** In regulation 71, for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

## Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 **E+W**

**280.** The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007 <sup>M103</sup> are amended as follows.

### Marginal Citations

**M103** S.I. 2007/2325 as amended by S.I. 2007/3476, S.I. 2007/3538, S.I. 2010/675.

**281.** In regulation 2(1), in the appropriate place insert—

““the NRBW” means the Natural Resources Body for Wales;”.

**282.** In regulation 6(5), at the beginning insert “ The NRBW, ”.

**283.**—(1) Regulation 7 is amended as follows.

(2) In paragraph (1), omit “and Wales”.

(3) After paragraph (1) insert—

“(1A) The NRBW must verify the annual report of each operator of a participating plant in Wales relating to the actual annual mass emission of each of the LCPD pollutants from the participating plant.”

(4) In paragraph (4), at the beginning insert “ The NRBW, ”.

**284.**—(1) Regulation 9 is amended as follows.

(2) In paragraph (2), before “SEPA”, in each place where it occurs, insert “ the NBRW, ”.

(3) In paragraph (4)(b)—

(a) in paragraph (i), omit “or Wales”;

(b) after paragraph (i) insert—

“(ia) the NRBW, if the participating plant in question is in Wales;”.

**285.** In regulation 12, after sub-paragraph (a) omit “and” and insert—

“(aa) the NRBW;”.

**286.**—(1) In Schedule 1, paragraph 1 is amended as follows.

(2) In sub-paragraph (a), omit “or Wales”.

(3) After sub-paragraph (a) insert—

“(aa) of a participating plant in Wales, to the NRBW in accordance with the conditions of the environmental permit under the Environmental Permitting (England and Wales) Regulations 2010;”.

## Persistent Organic Pollutants Regulations 2007 **E+W**

**287.**—(1) Regulation 3(1) of the Persistent Organic Pollutants Regulations 2007 <sup>M104</sup> is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a) insert—

“(aa) in Wales, the Natural Resources Body for Wales;”.

**Marginal Citations**

**M104** S.I. 2007/3106 as amended by S.I. 2010/675.

**Legislative and Regulatory Reform (Regulatory Functions) Order 2007** **E+W**

**288.**—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 <sup>M105</sup> is amended as follows.

(2) In Part 1, in the list of bodies, in the appropriate place insert— “ Natural Resources Body for Wales ”.

**Marginal Citations**

**M105** S.I. 2007/3544 as amended by S.I. 2008/574, S.I. 2008/960, S.I. 2008/1277, S.I. 2008/1284, S.I. 2008/1597, S.I. 2008/1816, S.I. 2009/2824, S.I. 2009/2981, S.I. 2010/630 (C. 42), S.I. 2010/671, S.I. 2010/2960, S.I. 2010/3028, S.I. 2011/881, S.I. 2011/1043, S.I. 2011/2377 (W. 250), S.I. 2011/2937, S.I. 2012/641, S.I. 2012/1479.

**Local Government Pension Scheme (Transitional Provisions) Regulations 2008** **E+W**

**289.**—(1) Regulation 15 of the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 <sup>M106</sup> is amended as follows.

(2) After paragraph (2) insert—

“(2A) Subject to paragraphs (3) and (7), these Regulations, the Benefits Regulations and the Administration Regulations also apply to a person to whom this regulation applies and who—

- (a) was an active member before 1 April 2008;
- (b) was in the continuous employment of the Environment Agency from 1 April 2008 to 31 March 2013; and
- (c) has been since then in the continuous employment of the Natural Resources Body for Wales.”

(3) After paragraph (7) insert—

“(8) Paragraph (9) applies to a person—

- (a) to whom regulation 22 of the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 applies for any purpose immediately before 1 April 2013 by virtue of any provision of these Regulations, and
- (b) whose employment is transferred from the Environment Agency to the Natural Resources Body for Wales in connection with or as a consequence of the transfer of any functions from the Agency to the Body on 1 April 2013.

(9) The transfer of the person's employment does not affect the continuing application to the person of regulation 22 of the Local Government Pension Scheme (Transitional Provisions) Regulations 1997 or of any provision of the 1997 Regulations that applies to the person by virtue of that regulation.”



**Marginal Citations**

**M106** S.I. 2008/238 as amended by S.I. 2008/1083, S.I. 2008/2425, S.I. 2010/2090, S.I. 2012/961, S.I. 2012/1989. Regulation 15 was inserted by S.I. 2010/2090, **regulation 36**.

**Local Government Pension Scheme (Administration) Regulations 2008** **E+W**

**290.** After regulation 8B of the Local Government Pension Scheme (Administration) Regulations 2008 <sup>M107</sup> insert—

**“Natural Resources Body for Wales: responsibility for deferred and pensioner members previously employed by the Environment Agency**

**8C.**—(1) Any provision of these Regulations, the Benefits Regulations or the Transitional Regulations which confers a function on a body by virtue of having been a member's employer shall have effect as if the Natural Resources Body for Wales was the employer of a person to whom paragraph (2) applies at all times when that person was an active member.

(2) This paragraph applies to any deferred or pensioner member—

(a) who is a member by virtue of—

(i) employment with the Environment Agency (including any employment transferred to that Agency) which ended before 1 April 2013; or

(ii) employment with the National Rivers Authority which ended before 1 April 1996; and

(b) in respect of whom the pension liabilities of the Environment Agency were transferred to the Natural Resources Body for Wales on 1 April 2013 by a transfer scheme made by the Welsh Ministers under section 23 of the Public Bodies Act 2011.”

**Marginal Citations**

**M107** S.I. 2008/239 as amended by S.I. 2008/1083, S.I. 2008/2425, S.I. 2008/2989, S.I. 2008/3245, S.I. 2009/447, S.I. 2009/1025, S.I. 2009/3150, S.I. 2010/528, S.I. 2010/713 (W. 69), S.I. 2010/1172, S.I. 2010/2090, S.I. 2012/961, S.I. 2012/1989.

**Bathing Water Regulations 2008** **E+W**

**291.** The Bathing Water Regulations 2008 <sup>M108</sup> are amended as follows.

**Marginal Citations**

**M108** S.I. 2008/1097.

**292.**—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “abnormal situation”, for “Agency” substitute “ appropriate agency ”.

(3) Omit the definitions of “the Agency” and “Agency management measures”.

(4) In the appropriate place insert—

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

““the appropriate agency” means—

- (a) in relation to a bathing water in England, the Environment Agency;
- (b) in relation to a bathing water in Wales, the Natural Resources Body for Wales;

“appropriate agency management measures” means measures in relation to a bathing water taken by the appropriate agency—

- (a) to reduce the risk of pollution (being measures within the appropriate agency's responsibilities referred to in regulation 5); or
- (b) under regulations 7 to 11;”.

(5) In the definitions of “management measures”, “relevant measures for short-term pollution” and “short-term pollution”, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**293.**—(1) Regulation 3 is amended as follows.

- (2) In paragraph (2), for “Agency” substitute “ Environment Agency ”.
- (3) In paragraph (3), for “Agency” substitute “ Natural Resources Body for Wales ”.

**294.**—(1) Regulation 5 is amended as follows.

(2) In paragraph (1), for “and the Agency” substitute “ , the Environment Agency and the Natural Resources Body for Wales ”.

(3) In paragraph (5), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**295.** In regulations 6 to 15, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**296.**—(1) Regulation 16 is amended as follows.

(21) In paragraph (4)(a), for “the Agency and the Welsh Ministers” substitute “ the Welsh Ministers, the Environment Agency and the Natural Resources Body for Wales ”.

(3) In paragraph (5), for “and the Agency” substitute “ , the Environment Agency and the Natural Resources Body for Wales ”.

**297.** In regulations 17 and 18, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**298.** In Schedule 2, in paragraph 2, and in Schedules 3 and 4, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**Dee Estuary Cockle Fishery Order 2008** E+W

**299.** The Dee Estuary Cockle Fishery Order 2008 <sup>M109</sup> is amended as follows.

.....

**Marginal Citations**  
M109 [S.I. 2008/1472](#)

**300.**—(1) Article 2 is amended as follows.

(2) In the appropriate place insert— “ “England” includes the sea adjacent to England, not forming any part of Wales, to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured; ”.

(3) For the definition of “the grantee” substitute—  
““the grantee” means the Environment Agency in relation to England and the Natural Resources Body for Wales in relation to Wales;”.

(4) In the appropriate place insert—  
“Wales” has the meaning given by section 158 of the Government of Wales Act 2006 <sup>M110</sup>.”

**Marginal Citations**

**M110** 2006 c. 32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and Schedule 3 to the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, [S.I. 1999/672](#) continues to have effect.

**301.** In article 5, after paragraph (1) insert—  
“(1A) A licence must apply in relation to the whole of the area of the fishery.”

**REACH Enforcement Regulations 2008** **E+W**

**302.** The REACH Enforcement Regulations 2008 <sup>M111</sup> are amended as follows.

**Marginal Citations**

**M111** [S.I. 2008/2852](#) as amended by [S.I. 2009/716](#), [S.I. 2010/1513](#), [S.I. 2011/3058](#), [S.I. 2012/632](#).

**303.** In regulation 2(2), in the definition of “enforcing authority”, after sub-paragraph (h) insert—  
“(i) the Natural Resources Body for Wales;”.

**304.** In regulation 21(2)(a), after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**305.—**(1) In Schedule 1, the Table is amended as follows.

(2) In the third column, in the rows to which this sub-paragraph applies, for “The Environment Agency.” substitute “ In relation to England, the Environment Agency. In relation to Wales, the Natural Resources Body for Wales. ”

(3) Sub-paragraph (2) applies to the rows relating to the following articles—

- (a) article 9(6);
- (b) article 14(6);
- (c) article 36(1);
- (d) article 37(4);
- (e) both rows relating to article 37(5);
- (f) article 37(6);
- (g) article 38(1);
- (h) article 38(3);
- (i) article 56(1);
- (j) article 56(2);
- (k) article 60(10);
- (l) article 67(1).

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

**306.** In Schedule 2, in paragraph 1, after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**307.** In Schedule 6, in the heading to Part 1, after “The Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**308.**—(1) Schedule 7 is amended as follows.

(2) In paragraph 1, after “the Environment Agency” insert “ , the Natural Resources Body for Wales ”.

(3) Accordingly, in the heading to Section 1, after “The Environment Agency” insert “ , the Natural Resources Body for Wales ”.

**309.**—(1) Schedule 8 is amended as follows.

(2) In paragraph 1—

(a) for sub-paragraph (a) substitute—

“(a) the Environment Agency, the Secretary of State;”;

(b) after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, the Welsh Ministers;”.

(2) Accordingly, in the heading to Part 1, after “the Environment Agency,” insert “ the Natural Resources Body for Wales, ”.

**Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008** E+W

<sup>F5</sup>**310.** . . . . .

**Textual Amendments**  
**F5** Sch. 4 paras. 310-312 revoked (31.12.2020) by [The Transfrontier Shipment of Radioactive Waste and Spent Fuel \(EU Exit\) Regulations 2019 \(S.I. 2019/156\)](#), regs. 1, **17(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

<sup>F5</sup>**311.** . . . . .

**Textual Amendments**  
**F5** Sch. 4 paras. 310-312 revoked (31.12.2020) by [The Transfrontier Shipment of Radioactive Waste and Spent Fuel \(EU Exit\) Regulations 2019 \(S.I. 2019/156\)](#), regs. 1, **17(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

<sup>F5</sup>**312.** . . . . .

**Textual Amendments**  
**F5** Sch. 4 paras. 310-312 revoked (31.12.2020) by [The Transfrontier Shipment of Radioactive Waste and Spent Fuel \(EU Exit\) Regulations 2019 \(S.I. 2019/156\)](#), regs. 1, **17(1)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Environmental Damage (Prevention and Remediation) Regulations 2009** E+W

**313.** In regulation 10(2) of the Environmental Damage (Prevention and Remediation) Regulations 2009 <sup>M112</sup>, for “the Environment Agency”, in the first place where it occurs, substitute “ either the Environment Agency or the Natural Resources Body for Wales ”.

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

**Marginal Citations**

**M112** S.I. 2009/153 as amended by S.I. 2009/3275, S.I. 2010/587, S.I. 2010/675, S.I. 2010/2221, S.I. 2011/556 (C. 19), S.I. 2011/988, S.I. 2011/1043, S.I. 2011/2131, S.I. 2012/630, S.I. 2012/2897.

**Ozone-Depleting Substances (Qualifications) Regulations 2009** **E+W**

**F6** 314. ....

**Textual Amendments**

**F6** Sch. 4 para. 314 revoked (7.3.2015) by The Ozone-Depleting Substances Regulations 2015 (S.I. 2015/168), regs. 1(2), **21(2)(b)** (with reg. 12(7))

**Fluorinated Greenhouse Gases Regulations 2009** **E+W**

**F7** 315. ....

**Textual Amendments**

**F7** Sch. 4 paras. 315-317 omitted (19.3.2015) by virtue of The Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310), regs. 1(1)(b), **33(3)**

**F7** 316. ....

**Textual Amendments**

**F7** Sch. 4 paras. 315-317 omitted (19.3.2015) by virtue of The Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310), regs. 1(1)(b), **33(3)**

**F7** 317. ....

**Textual Amendments**

**F7** Sch. 4 paras. 315-317 omitted (19.3.2015) by virtue of The Fluorinated Greenhouse Gases Regulations 2015 (S.I. 2015/310), regs. 1(1)(b), **33(3)**

**Waste Batteries and Accumulators Regulations 2009** **E+W**

**318.** The Waste Batteries and Accumulators Regulations 2009 <sup>M113</sup> are amended as follows.

**Marginal Citations**

**M113** S.I. 2009/890 as amended by S.I. 2009/3381, S.I. 2010/675, S.I. 2011/988, S.I. 2011/1043.

**319.**—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “extension of approval charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW ”.

- (3) In the appropriate place insert—  
 ““NRBW” means the Natural Resources Body for Wales”.
- (4) In the definition of “scheme application charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW ”.
- (5) in the definition of “scheme subsistence charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW ”.
- (6) in the definition of “treatment, recycling and export application charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW ”.

**320.**—(1) Regulation 3(2) is amended as follows.

- (2) In sub-paragraph (a), omit “and Wales”.
- (3) After sub-paragraph (a) insert—  
 “(aa) Wales is the NRBW;”

**321.** In regulation 13(2)(d)(i), after “Environment Agency” insert “, the NRBW ”.

**322.**—(1) Regulation 83 is amended as follows.

- (2) In paragraph (1), after “Environment Agency,” insert “ the NRBW, ”.
- (3) In paragraph (2)—  
 (a) in sub-paragraph (a), omit the words after “Secretary of State”;  
 (b) after sub-paragraph (a) insert—  
 “(aa) against a decision of the NRBW must be made to the Welsh Ministers;”.
- (3) Omit paragraph (3).

**323.**—(1) Regulation 86(2) is amended as follows.

- (2) In sub-paragraph (a), omit “and Wales”.
- (3) After sub-paragraph (a) insert—  
 “(aa) in Wales, the NRBW;”.

#### **Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009** E+W

**324.**—(1) Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009<sup>M114</sup> is amended as follows.

- (2) In the entry relating to section 42(2)(c), in column 2, in paragraph (c), after sub-paragraph (xi) insert—  
 “(xia) the Natural Resources Body for Wales;”.
- (3) In the entry relating to section 68(3)(c), in column 2, in paragraph (b), after sub-paragraph (xi) insert—  
 “(xia) the Natural Resources Body for Wales and is not below the grade of senior manager;”.
- (4) In the entry relating to section 378(1)(b), in column 2, in paragraph (b) of the entry relating to England and Wales, after sub-paragraph (xi) insert—  
 “(xia) the Natural Resources Body for Wales;”.
- (5) In the entry relating to section 378(2)(d), in column 2, in paragraph (b) of the entry relating to England and Wales, after sub-paragraph (xi) insert—  
 “(xia) the Natural Resources Body for Wales and is not below the grade of senior manager;”.

**Marginal Citations**

M114 S.I. 2009/975 as amended by S.I. 2009/2707, S.I. 2009/2748, S.I. 2011/2085.

**Infrastructure Planning (National Policy Statement Consultation) Regulations 2009** **E+W**

**325.**—(1) Regulation 3 of the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009<sup>M115</sup> is amended as follows.

(2) In Table 1—

- (a) in column 2 of the entry for the Forestry Commission, after “forests and woodlands” insert “ in England or Scotland ”;
- (b) in column 1, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

**Marginal Citations**

M115 S.I. 2009/1302 as amended by S.I. 2010/439, S.I.2012/2654, S.I 2012/2732 and modified by S.I. 2012/1659.

**Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009** **E+W**

**326.** The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009<sup>M116</sup> are amended as follows.

**Marginal Citations**

M116 S.I. 2009/1927.

**327.**—(1) Regulation 2 is amended as follows.

(2) Before the definition of “Category A mining waste facility” insert—

““the 2010 Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;”.

(3) In the appropriate place insert—

““regulator” means—

- (a) the Natural Resources Body for Wales where that body is the regulator of the mining waste facility under the 2010 Regulations;
- (b) the Environment Agency, where that body is the regulator of the mining waste facility under the 2010 Regulations;”.

**328.**—(1) Regulation 4 is amended as follows.

(2) For “Environment Agency”, in each place where it occurs, substitute “ regulator ”.

(3) In paragraph (1), for “in its area” substitute “ in the authority's area ”.

**329.** In regulations 9(3) and 10(1), for “Environment Agency” substitute “ regulator ”.

## Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 **E+W**

**330.**—(1) In Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 <sup>M117</sup>, the Table is amended as follows.

(2) In the entry for the Environment Agency, in columns 2 and 3, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

(4) In the entry for the Forestry Commission, in columns 2 and 3, after “forests and woodlands” insert “ in England or Scotland ”.

(5) After the entry for the Forestry Commission insert a new entry—

“The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	All applications likely to affect the protection or expansion of forests and woodlands in Wales”.
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### Marginal Citations

**M117** [S.I. 2009/2264](#) as amended by [S.I. 2010/439](#), [S.I. 2012/635](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#); modified by [S.I. 2012/1659](#).

## Flood Risk Regulations 2009 **E+W**

**331.** The Flood Risk Regulations 2009 <sup>M118</sup> are amended as follows.

### Marginal Citations

**M118** [S.I. 2009/3042](#) as amended by [S.I. 2010/1102](#), [S.I. 2011/2880](#) (W. 308).

**332.** After regulation 8B insert—

### ““Appropriate agency”

**8C** The “appropriate agency” means—

- (a) in relation to a river basin district that is wholly in Wales, the Natural Resources Body for Wales;
- (b) in relation to a river basin district that is partly in Wales and partly in England, the Natural Resources Body for Wales and the Environment Agency acting jointly;
- (c) in relation to any other river basin district, the Environment Agency.”

**333.** In regulation 9(1), and in the heading to regulation 9, for “Environment Agency” substitute “ appropriate agency ”.

**334.**—(1) Regulation 10 is amended as follows.

(2) In paragraph (3), for “Environment Agency” substitute “ appropriate agency ”.

(3) In paragraph (5)—

- (a) for “The Agency's” substitute “ The Environment Agency's ”;
- (b) after “authority” insert “ for an area in England ”.



(4) After paragraph (5) insert—

“(5A) The power of the Natural Resources Body for Wales to require information under regulation 36 includes power to require a lead local flood authority for an area in Wales to provide a preliminary assessment report by a specified date.”

**335.** In regulation 11(2)(a), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.

**336.**—(1) Regulation 12 is amended as follows.

(2) In paragraph (2)(b), after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.

(3) In paragraph (7), for “Environment Agency”, in the first place where it occurs, substitute “ appropriate agency ”.

**337.**—(1) Regulation 13 is amended as follows.

(2) In paragraph (1), for “Environment Agency” substitute “ appropriate agency ”.

(3) In paragraph (2), for “Agency” substitute “ appropriate agency ”.

(4) Accordingly, in the heading to regulation 13, for “Environment Agency” substitute “ appropriate agency ”.

**338.**—(1) Regulation 14 is amended as follows.

(2) In paragraph (4), for “Environment Agency” substitute “ appropriate agency ”.

(3) In paragraphs (5) and (7), for “Agency” substitute “ appropriate agency ”.

(4) In paragraph (8)—

(a) for “The Agency's” substitute “ The Environment Agency's ”;

(b) after “authority” insert “ for an area in England ”.

(5) After paragraph (8) insert—

“(8A) The power of the Natural Resources Body for Wales to require information under regulation 36 includes power to require a lead local flood authority for an area in Wales to notify the Body of its determination and identification of a flood risk area by a specified date.”

**339.**—(1) Regulation 15(1) is amended as follows.

(2) In the opening words, for “Environment Agency” substitute “ appropriate agency ”.

(3) In sub-paragraph (b), for “Agency” substitute “ appropriate agency ”.

**340.** In regulations 16 and 18, for “Environment Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**341.**—(1) Regulation 19 is amended as follows.

(2) In paragraph (4), for “Environment Agency” substitute “ appropriate agency ”.

(3) In paragraph (6)—

(a) for “The Agency's” substitute “ The Environment Agency's ”;

(b) after “authority” insert “ for an area in England ”.

(4) After paragraph (6) insert—

“(7) The power of the Natural Resources Body for Wales to require information under regulation 36 includes power to require a lead local flood authority for an area in Wales to provide a flood hazard map or a flood risk map by a specified date.”

**342.** In regulation 20(8), for “Environment Agency” in the first place where it occurs, substitute “appropriate agency”.

**343.** In regulation 21(4), for “Environment Agency”, in the first place where it occurs, substitute “appropriate agency”.

**344.** In regulation 22, for “the Environment Agency” and “the Agency” substitute “the appropriate agency”.

**345.**—(1) Regulation 23 is amended as follows.

(2) In paragraph (1), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraphs (2) and (5), for “Agency” substitute “appropriate agency”.

(4) Accordingly, the heading to regulation 23 becomes “Review: appropriate agency”.

**346.** In regulation 25, for “Environment Agency”, in each place where it occurs (including in the heading), substitute “appropriate agency”.

**347.**—(1) Regulation 26 is amended as follows.

(2) In paragraph (3), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (5)—

(a) for “The Agency's” substitute “The Environment Agency's”;

(b) after “authority” insert “for an area in England”.

(4) After paragraph (5) insert—

“(6) The power of the Natural Resources Body for Wales to require information under regulation 36 includes power to require a lead local flood authority for an area in Wales to provide a flood risk management plan by a specified date.”

**348.**—(1) Regulation 27 is amended as follows.

(2) In paragraphs (7) and (8), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (9), in sub-paragraphs (a) and (b), for “Environment Agency”, in the first place where it occurs, substitute “appropriate agency”.

**349.** In regulation 28(1), for “the Environment Agency” and “the Agency” substitute “the appropriate agency”.

**350.**—(1) Regulation 29 is amended as follows.

(2) In paragraph (1), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (4), for “Agency” substitute “appropriate agency”.

(4) Accordingly, the heading to regulation 29 becomes “Review: appropriate agency”.

**351.**—(1) Regulation 32 is amended as follows.

(2) In paragraphs (1)(a) and (3), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraphs (2) and (6), for “Agency”, in each place where it occurs, substitute “appropriate agency”.

(4) Accordingly, the heading to regulation 32 becomes “Part 2: appropriate agency”.

**352.**—(1) Regulation 35(2) is amended as follows.

(2) At the end of sub-paragraph (a), omit “and”.

(3) After sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, and”.

**353.**—(1) Regulation 36 is amended as follows.

(2) In paragraph (1)—

(a) after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”;

(b) after “the Agency” insert “ or the Body ”.

(3) In paragraph (2), for “The Environment Agency and an” substitute “ An ”.

(4) In paragraph (3)—

(a) before sub-paragraph (a) insert—

“(za) the Environment Agency,

(zb) the Natural Resources Body for Wales;”;

(b) omit sub-paragraph (k).

#### **Eels (England and Wales) Regulations 2009** **E+W**

**354.** The Eels (England and Wales) Regulations 2009 <sup>M119</sup> are amended as follows.

##### **Marginal Citations**

**M119** [S.I. 2009/3344](#) as amended by [S.I. 2011/2976](#).

**355.** In regulation 2, in the appropriate places insert the following definitions—

““the appropriate agency” means (except as provided in regulation 4)—

(a) in relation to England, the Agency, and

(b) in relation to Wales, the NRBW;”;

““the NRBW” means the Natural Resources Body for Wales;”.

**356.**—(1) Regulation 4 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) After paragraph (3) insert—

“(4) For the purposes of this regulation, “the appropriate agency” means—

(a) in relation to business premises in England, the Agency;

(b) in relation to business premises in Wales, the NRBW; and

(c) in relation to business premises partly in England and partly in Wales, the Agency or the NRBW, at the election of the aquaculture production business operator.

(5) The election referred to in paragraph (4)(c) must be notified in writing to both the Agency and the NRBW on or before 31 January in each year that the premises are used in connection with an aquaculture production business.”

**357.** In regulation 6(1)(e), after “Agency” insert “ , where those certificates are retained in England, or the NRBW, where those certificates are retained in Wales, ”.

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

**358.** In regulation 7(2), after “Agency” insert “, where those documents are retained in England, or the NRBW, where those documents are retained in Wales,”.

**359.** In regulations 8, 12 to 14, 17, 20 and 21, for “Agency”, in each place where it occurs (including in the heading to regulation 20), substitute “ appropriate agency ”.

**360.—**(1) Regulation 26 is amended as follows.

(2) In paragraph (1)—

(a) in the opening words, for “Agency” substitute “ appropriate agency ”;

(b) in sub-paragraph (a), after “these Regulations” insert “ as they apply in relation to England (in the case of a person designated by the Agency) or in relation to Wales (in the case of a person designated by the Natural Resources Body for Wales) ”.

(3) In paragraph (4), for “Agency” substitute “ appropriate agency ”.

**361.** In the Schedule, in paragraphs 3 to 5, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**Infrastructure Planning (Interested Parties) Regulations 2010** E+W

**362.—**(1) In the Schedule to the Infrastructure Planning (Interested Parties) Regulations 2010 <sup>M120</sup>, the Table is amended as follows.

(2) In the entry for the Environment Agency, in column 2, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

(4) In the entry for the Forestry Commission, in column 2, after “forests and woodlands” insert “ in England or Scotland ”.

(5) After the entry for the Forestry Commission insert a new entry—

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“The Natural Resources Body for Wales

All applications likely to affect the protection or expansion of forests and woodlands in Wales”.

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**Marginal Citations**

**M120** [S.I. 2010/102](#) as amended by [S.I. 2012/635](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#); modified by [S.I. 2012/1659](#).

**Infrastructure Planning (Compulsory Acquisition) Regulations 2010** E+W

**363.—**(1) In Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 <sup>M121</sup>, the Table is amended as follows.

(2) In the entry for the Environment Agency, in column 2, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

(4) In the entry for the Forestry Commission, in column 2, after “forests and woodlands” insert “ in England or Scotland ”.

(5) After the entry for the Forestry Commission insert a new entry—

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“The Natural Resources Body for Wales

All proposed provisions likely to affect the protection or expansion of forests and woodlands in Wales”.

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**Marginal Citations**

**M121** [S.I. 2010/104](#) as amended by [S.I. 2011/2055](#), [S.I. 2012/635](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#); modified by [S.I. 2012/1659](#).

**Mercury Export and Data (Enforcement) Regulations 2010** **E+W**

**364.**—(1) Regulation 4(1) of the Mercury Export and Data (Enforcement) Regulations 2010 <sup>M122</sup> is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a) insert—

“(aa) in Wales, the Natural Resources Body for Wales;”.

**Marginal Citations**

**M122** [S.I. 2010/265](#) as amended by [S.I. 2012/630](#).

**Conservation of Habitats and Species Regulations 2010** **E+W**

**365.** The Conservation of Habitats and Species Regulations 2010 <sup>M123</sup> are amended as follows.

**Marginal Citations**

**M123** [S.I. 2010/490](#) as amended by [S.I. 2011/625](#), [S.I. 2012/630](#), [S.I. 2012/635](#), [S.I. 2012/1927](#).

**366.** In regulation 5, for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

**367.** In regulation 9(2), for the words from “sections 131, 132 and 134” to “Countryside Council for Wales” substitute “ the Natural Resources Body for Wales (Establishment) Order 2012, where the functions are exercised for purposes relating to nature conservation ”.

**368.** In regulation 9A(10), after “Forestry Commissioners,” insert “ the Natural Resources Body for Wales, ”.

**369.** In regulation 17(1), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**370.**—(1) Regulation 56 is amended as follows.

(2) In paragraph (2)—

(a) after “means” insert “ in relation to England ”;

(b) for sub-paragraphs (a) and (b) substitute—

“(a) so far as the licence relates to the restricted English inshore region, the Marine Management Organisation, and

(b) otherwise, Natural England.”

(3) In paragraph (3), after “granted” insert “ in relation to England ”.

(4) After paragraph (3) insert—

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

“(4) In the case of a licence granted in relation to Wales, “relevant licensing body” means the Natural Resources Body for Wales.”

**371.** In regulation 99(2), after “the Environment Agency” insert “ in relation to England or the Natural Resources Body for Wales in relation to Wales ”.

**372.** In regulation 127(2), after “the Environment Agency” insert “ in relation to England or the Natural Resources Body for Wales in relation to Wales ”.

**373.**—(1) Regulation 129 is amended as follows.

(2) In paragraph (2), for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

(3) Accordingly, in the heading to regulation 129, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 E+W**

**374.** In Part 2 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 <sup>M124</sup>, at the end insert—

“The Natural Resources Body for Wales	Executive team member	Senior manager	Paragraphs (b), (d) and (e)”.
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**Marginal Citations**  
**M124** [S.I. 2010/521](#) as amended by [S.I. 2011/2085](#), [S.I. 2012/1500](#), [S.I. 2012/2007](#).

**Environmental Permitting (England and Wales) Regulations 2010 E+W**

**375.** The Environmental Permitting (England and Wales) Regulations 2010 <sup>M125</sup> are amended as follows.

**Marginal Citations**  
**M125** [S.I. 2010/675](#) as amended by [S.I. 2010/676](#), [S.I. 2010/2172](#), [S.I. 2011/881](#), [S.I. 2011/988](#), [S.I. 2011/1043](#), [S.I. 2011/2043](#), [S.I. 2011/2377](#) (W. 250), [S.I. 2011/2933](#), [S.I. 2012/630](#), [S.I. 2012/811](#).

**376.**—(1) Regulation 2(1) is amended as follows.

(2) In the appropriate places insert the following definitions—

““appropriate agency” means—

(a) in relation to England, the Agency, and

(b) in relation to Wales, the NRBW,

and references to the “area” of an appropriate agency are to be construed accordingly;”;

““the NRBW” means the Natural Resources Body for Wales;”.

(3) In the definition of “rule-making authority”, in sub-paragraph (b), for “Agency” substitute “ appropriate agency ”.

<sup>F8</sup>377. ....

**Textual Amendments**

**F8** Sch. 4 para. 377 omitted (5.3.2014) by virtue of [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/255\)](#), regs. 1, 21

**378.**—(1) Regulation 33 is amended as follows.

(2) In paragraph (1), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (6)—

(a) in sub-paragraph (a), before “the Agency” insert “ where the appropriate authority is the Secretary of State, ”;

(b) after sub-paragraph (a), omit “and” and insert—

“(aa) where the appropriate authority is the Welsh Ministers, the NRBW, and”.

(4) In paragraph (8), for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**379.** In regulation 46, for “Agency's” and “Agency”, in each place where they occur, substitute “ appropriate agency's ” and “ appropriate agency ” respectively.

**380.**—(1) In regulations 58 and 59, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(2) Accordingly, in the headings to those regulations, for “Environment Agency” substitute “ Appropriate agency ”.

**381.** In regulations 61 and 63, for “Agency”, in each place where it occurs (including in the heading to regulation 63), substitute “ appropriate agency ”.

**382.** In regulation 65, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

**383.**—(1) Regulation 108 is amended as follows.

(2) At the end of paragraph (2) insert “ with the modifications set out in paragraph (2A) ”.

(3) After paragraph (2) insert—

“(2A) In paragraph 2(1) of Schedule 2 to the 2007 Regulations, and in paragraphs 7(2) (a) and 30(1)(b)(i) of Schedule 3 to those Regulations, as they continue in force by virtue of paragraph (2), references to the Agency are deemed in relation to Wales to be references to the NRBW (such that the NRBW is the exemption registration authority in relation to waste operations in Wales falling within Part 1 of Schedule 3 to the 2007 Regulations, subject to paragraph 2(2) and (3) of that Schedule).”

**384.** In Schedule 2, in paragraph 2(1), (4) and (5), for “Agency” substitute “ appropriate agency ”.

**385.** In Part 2 of Schedule 23, after paragraph 11 insert—

**“Discharge of functions: mobile radioactive apparatus**

**11A.**—(1) In the case of an activity described in paragraph 11(5), if the principal place where the apparatus mentioned in that sub-paragraph is kept when not in use is in England or Wales,

functions in relation to the activity are exercisable by the appropriate agency in whose area the principal place of keeping is.

(2) But sub-paragraph (1) does not apply to functions under regulations 36, 37, 38 and 42 (which are exercisable in relation to the activity in accordance with regulation 32(1)).”

### **CRC Energy Efficiency Scheme Order 2010** E+W

**386.** The CRC Energy Efficiency Scheme Order 2010 <sup>M126</sup> is amended as follows.

#### **Marginal Citations**

**M126** [S.I. 2010/768](#) as amended by [S.I. 2011/234](#).

**387.**—(1) Article 9 is amended as follows.

(2) In paragraph (1)(b)—

(a) in paragraph (i) omit “and Wales”;

(b) after paragraph (i) insert—

“(ia) the Natural Resources Body for Wales, in respect of Wales;”.

(3) In paragraph (2), after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, the Welsh Ministers;”.

**388.**—(1) Schedule 10 is amended as follows.

(2) In paragraph 2—

(a) for sub-paragraph (a) substitute—

“(a) the Environment Agency, the appeal body is the Secretary of State;”;

(b) after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, the appeal body is the Welsh Ministers;”.

(3) In paragraph 6, after sub-paragraph (a) insert—

“(aa) the Welsh Ministers;”.

### **Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010** E+W

**389.**—(1) Regulation 2 of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 <sup>M127</sup> is amended as follows.

(2) In the definition of “the consultation bodies”, in sub-paragraph (a)(ii), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M127** [S.I. 2010/1228](#) as amended by [S.I. 2010/1769](#), [S.I. 2011/974](#), [S.I. 2011/2183](#), [S.I. 2012/742](#).

### **Flood Risk Management Functions Order 2010** E+W

**390.** In article 2(1)(a) of the Flood Risk Management Functions Order 2010 <sup>M128</sup>, after “the Environment Agency” insert “ or the Natural Resources Body for Wales ”.



**Marginal Citations**

M128 S.I. 2010/2232.

**Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011** **E+W**

**391.** In article 5(2) of the Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011 <sup>M129</sup>, after “the Agency”, in each place where it occurs, insert “ in relation to English Committees or the Natural Resources Body for Wales in relation to Welsh Committees ”.

**Marginal Citations**

M129 S.I. 2011/694 (C. 25).

**Regional Flood and Coastal Committees (England and Wales) Regulations 2011** **E+W**

**392.** The Regional Flood and Coastal Committees (England and Wales) Regulations 2011 <sup>M130</sup> are amended as follows.

**Marginal Citations**

M130 S.I. 2011/695.

**393.**—(1) Regulation 4 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

(3) In paragraph (3)(a), in the opening words, for “and” substitute “ or ”.

(4) After paragraph (6) insert—

“(7) In the case of a revision affecting the boundary between a region wholly or mainly in England and a region wholly or mainly in Wales—

(a) the functions of the appropriate agency under paragraphs (1) and (2) are exercisable by the Agency and the Natural Resources Body for Wales acting jointly;

(b) paragraph (3)(a) is satisfied when both the Agency and the Natural Resources Body for Wales publish a map or maps fulfilling the conditions specified in that paragraph.”

**394.** In regulations 5 to 7, 8(1) and (2) and 9, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

**395.** In regulation 11(1)(b)(i), after “the Agency” insert “ or the Natural Resources Body for Wales ”.

**396.** In regulations 14, 18(1)(c), 19(1)(c), 22(b), 27 and 28(1), for “Agency”, in each place where it occurs (including in the heading to regulation 14), substitute “ appropriate agency ”.

## Environment Agency (Levies) (England and Wales) Regulations 2011 **E+W**

**397.** The Environment Agency (Levies) (England and Wales) Regulations 2011 <sup>M131</sup> are amended as follows.

### Marginal Citations

**M131** [S.I. 2011/696](#).

**398.** In the title to the Regulations, for “Environment Agency” substitute “ Flood and Coastal Erosion Risk Management ”.

**399.**—(1) Regulation 1 is amended as follows.

(2) In paragraph (1)(a), for “Environment Agency” substitute “ Flood and Coastal Erosion Risk Management ”.

(3) After paragraph (2) insert—

“(3) Any reference to the Environment Agency (Levies) (England and Wales) Regulations 2011, wherever it occurs, is to be treated as a reference to these Regulations.”

**400.**—(1) Regulation 2 is amended as follows.

(2) In the definitions of “actual expenditure”, “flood and coastal erosion risk management functions”, “levy” and “qualifying expenses”, for “Agency” and “Agency's”, in each place where they occur, substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

(3) In the appropriate place insert—

““the appropriate agency” means the Agency in relation to England and the Natural Resources Body for Wales in relation to Wales;”.

**401.** In regulations 3 to 6 and 8 to 12, for “Agency” and “Agency's”, in each place where they occur (including in the heading to regulation 12), substitute “ appropriate agency ” and “ appropriate agency's ” respectively.

## Waste (England and Wales) Regulations 2011 **E+W**

**402.** The Waste (England and Wales) Regulations 2011 <sup>M132</sup> are amended as follows.

### Marginal Citations

**M132** [S.I. 2011/988](#) as amended by [S.I. 2011/600](#) (W. 88), [S.I. 2011/2043](#) and [S.I. 2012/1889](#).

**403.** In regulation 3(1), in the appropriate place insert—

““appropriate body” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;”.

**404.** For regulation 9 substitute—

### “Directions to the appropriate body

**9.**—(1) An appropriate authority may give directions to an appropriate body requiring it—

- (a) to advise the authority on the measures or policies which are to be included in a waste prevention programme or waste management plan;
  - (b) to carry out a survey or investigation into any other matter in connection with the preparation of such a programme or plan or any modification of it, and report its findings to the authority.
- (2) A direction given under paragraph (1)(b)—
- (a) must specify or describe the matters which are to be the subject of the survey or investigation;
  - (b) may specify bodies or persons to be consulted before carrying out the survey or investigation; and
  - (c) may make provision in relation to the manner in which—
    - (i) the survey or investigation is to be carried out; or
    - (ii) the findings are to be reported and made available.
- (3) The appropriate body must comply with a direction given under paragraph (1).
- (4) Where a direction is given under paragraph (1)(b), the appropriate body must also consult any body or person that it considers appropriate but is not specified in the direction.
- (5) The appropriate body must make its findings available to the bodies and persons it consults.
- (6) The power under paragraph (1) may only be exercised—
- (a) by the Secretary of State in relation to the Natural Resources Body for Wales, with the consent of the Welsh Ministers;
  - (b) by the Welsh Ministers in relation to the Environment Agency, with the consent of the Secretary of State.”

**405.** In regulations 10(2), 25 and 28(1), for “Environment Agency” substitute “ appropriate body ”.

**406.** For regulation 29 substitute—

**“Procedure for registration**

- 29.**—(1) This regulation applies to—
- (a) registration of a carrier for the purposes of the Control of Pollution (Amendment) Act 1989; and
  - (b) registration of a broker or dealer for the purposes of regulation 25.
- (2) An application for registration must be made to the appropriate body, using the form provided by that body.
- (3) All the information required by the form must be provided, together with any fee prescribed in a charging scheme made by the appropriate body under section 41 of the Environment Act 1995.
- (4) The appropriate body may require additional information to be provided.
- (5) Registration may be refused if, in the opinion of the appropriate body—
- (a) it is undesirable for the applicant to be authorised to transport controlled waste or to act as a broker or dealer of controlled waste (as the case may be); and
  - (b) the applicant or another relevant person has been convicted of an offence under—
    - (i) regulation 42,

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

- (ii) section 1, 5 or 7(3) of the Control of Pollution (Amendment) Act 1989,
- (iii) section 33 or 34 of the Environmental Protection Act 1990,
- (iv) section 110(2) of the Environment Act 1995,
- (v) the Hazardous Waste (England and Wales) Regulations 2005,
- (vi) the Hazardous Waste (Wales) Regulations 2005,
- (vii) the Transfrontier Shipment of Waste Regulations 2007,
- (viii) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007, or
- (ix) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010.

(6) On registration the appropriate body must provide a certificate of registration to the applicant.

(7) If registration is refused the appropriate body must notify the applicant and give written reasons for the refusal.

- (8) For the purposes of an application under paragraph (2) the appropriate body is—
- (a) in the case of a carrier, broker or dealer whose registered office or principal place of business is in England, the Environment Agency;
  - (b) in the case of a carrier, broker or dealer whose registered office or principal place of business is in Wales, the Natural Resources Body for Wales.”

**407.**—(1) Regulation 30 is amended as follows.

(2) In paragraph (1), for “Environment Agency” substitute “ appropriate body ”.

(3) In paragraphs (2) to (4), for “Agency” substitute “ appropriate body ”.

**408.** In regulation 32(1)(b) and (2), for “Agency” substitute “ appropriate body ”.

**409.** In regulations 34, 35(6), 37 to 40 and 46, for “Environment Agency”, in each place where it occurs, substitute “ appropriate body ”.

**410.**—(1) In Schedule 1, paragraph 13 is amended as follows.

(2) In the definition of “consultation bodies”, in sub-paragraph (b), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

### **Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011** E

+W

**411.**—(1) Regulation 7 of the Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011 <sup>M133</sup> is amended as follows.

(2) In paragraph (1), for “Agency” substitute “ appropriate agency ”.

(3) In paragraph (5), for the definition of “the Agency” substitute—  
““the appropriate agency” means—

- (a) as regards England, the Environment Agency;
- (b) as regards Wales, the Natural Resources Body for Wales;
- (c) as regards Scotland, the Scottish Environment Protection Agency;”.

**Marginal Citations**

M133 [S.I. 2011/1543](#) as amended by [S.I. 2012/2897](#).

**Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011** **E+W**

**412.**—(1) In Schedule 1 to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 <sup>M134</sup>, the Table is amended as follows.

(2) In the entry for the Environment Agency, in columns 2 and 3, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “ The Natural Resources Body for Wales ”.

(4) In the entry for the Forestry Commission, in columns 2 and 3, after “forests and woodlands” insert “ in England or Scotland ”.

(5) After the entry for the Forestry Commission insert a new entry—

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“The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	All applications likely to affect the protection or expansion of forests and woodlands in Wales”.
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**Marginal Citations**

M134 [S.I. 2011/2055](#) as amended by [S.I. 2012/635](#), [S.I. 2012/2654](#), [S.I. 2012/2732](#); modified by [S.I. 2012/1659](#).

**Incidental Flooding and Coastal Erosion (England) Order 2011** **E+W**

**413.** The Incidental Flooding and Coastal Erosion (England) Order 2011 <sup>M135</sup> is amended as follows.

**Marginal Citations**

M135 [S.I. 2011/2855](#).

**414.**—(1) Article 3 is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b), for “reference in section 157(6)(a)” substitute “ references in section 157(6)(a) and (7)(a) ”;

(b) in sub-paragraph (c), after “to (e)” insert “ and (7)(c) ”.

(3) In paragraph (3), after “Environment Agency” insert “ or the Natural Resources Body for Wales ”.

**415.**—(1) Article 4 is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), after “Agency” insert “ or the NRBW ”;

(b) in sub-paragraph (c)—

- (i) in the opening words, omit “the words “the Agency””;
  - (ii) in paragraph (i), at the beginning insert “ the words “the Agency or the NRBW” in ”;
  - (iii) after paragraph (i) insert—
    - “(ia) the words “the Agency or, as the case may be, by the NRBW” in section 154(2);”;
  - (iv) in paragraph (ii), for “where they appear” substitute “ the words “the Agency or the NRBW” ”;
  - (v) in paragraph (iii), for “the second and third places they appear” substitute “the words “the Agency or the NRBW” and “the Agency or, as the case may be, the NRBW””;
  - (c) after sub-paragraph (d) insert—
    - “(e) section 154(7) were omitted.”
  - (3) In paragraph (2)—
    - (a) in sub-paragraph (a), after “The Agency” insert “ and the NRBW ”;
    - (b) in sub-paragraph (b)—
      - (i) after “the Agency” insert “ or, as the case may be, the NRBW ”;
      - (ii) omit “and (6)”;
    - (c) after sub-paragraph (c) insert—
      - “(ca) the words “the local authority” were substituted for the words “the Agency” where they appear in section 157(6);”;
    - (d) after sub-paragraph (e) insert—
      - “(ea) section 157(7) were omitted;”.
- 416.**—(1) Article 6 is amended as follows.
- (2) In paragraph (1)—
    - (a) in sub-paragraph (a)—
      - (i) in the opening words, after “Agency” insert “ or by the NRBW ”;
      - (ii) in paragraph (ii), omit “first”;
    - (b) in sub-paragraph (b)—
      - (i) in the opening words, after “Agency” insert “ or the NRBW ”;
      - (ii) in paragraph (ii), for “the second place” substitute “ where ”.
  - (3) In paragraph (2)—
    - (a) in sub-paragraph (a), after “Agency” insert “ or by the NRBW ”;
    - (b) in sub-paragraph (b), after “Agency” insert “ or the NRBW ”;
    - (c) in sub-paragraph (d), after “171(2)(b)” insert “ and (6) ”.
  - (4) In paragraph (3)—
    - (a) in sub-paragraph (f)—
      - (i) after “Agency” insert “ or the NRBW ”;
      - (ii) omit “and 8”;
    - (b) after sub-paragraph (f) insert—
      - “(fa) the words “or a local authority” were substituted for “, the Agency or the NRBW” in paragraph 8(1);”.

417. In article 8, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

## Greenhouse Gas Emissions Trading Scheme Regulations 2012 **E+W**

418. The Greenhouse Gas Emissions Trading Scheme Regulations 2012 <sup>M136</sup> are amended as follows.

### Marginal Citations

M136 S.I. 2012/3038.

419.—(1) Regulation 3(1) is amended as follows.

(2) In the appropriate place insert—

““the NRBW” means the Natural Resources Body for Wales;

“the NRBW Order” means the Natural Resources Body for Wales (Establishment) Order 2012;”.

(3) In the definition of “regulator”, in sub-paragraph (a)—

(a) in paragraph (i) omit “and Wales”;

(b) after paragraph (i) insert—

“(a) Wales, the NRBW;”.

420.—(1) Regulation 20 is amended as follows.

(2) In the definition of “area”—

(a) in sub-paragraph (a) omit “and Wales”;

(b) after sub-paragraph (a) insert—

“(aa) in respect of the NRBW, Wales;”.

(3) In the definition of “authority”, for sub-paragraph (a) substitute—

“(a) the Welsh Ministers, where P’s regulator is the NRBW;”.

421.—(1) Regulation 27 is amended as follows.

(2) In sub-paragraph (a)(i), omit “or Wales”.

(3) After sub-paragraph (a) insert—

“(aa) the NRBW, where P has its registered office in Wales.”

422.—(1) Regulation 45(5) is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) In sub-paragraph (b), after “in relation to” insert “ Wales, ”.

423. In regulations 52(4) and 73(3)(a), after “Environment Act 1995” insert “ , article 11 of the NRBW Order ”.

424. In regulation 86, after paragraph (1) insert—

(“1A) he relevant provisions have effect as if—

(a) in regulation 2(1) the definition of “regulator” was amended as follows—

(i) in sub-paragraph (i) omit “and Wales”;

(ii) after sub-paragraph (i) insert—

**Changes to legislation:** There are currently no known outstanding effects for the *The Natural Resources Body for Wales (Functions) Order 2013*. (See end of Document for details)

- “(ia) in relation to an installation (other than an offshore installation) which is (or will be) situated in Wales, the Natural Resources Body for Wales;”;
- (b) regulation 35(5) was amended as follows—
- (i) in sub-paragraph (a) omit “and Wales”; and
  - (ii) in sub-paragraph (b) after “in relation to” insert “ Wales, ”.
- 425.** In regulation 87, after paragraph (1) insert—
- “(1A) The relevant provisions have effect as if the 2010 Regulations were amended as follows—
- (a) in regulation 4(1)—
    - (i) in sub-paragraph (a)(i) omit “or Wales”;
    - (ii) after sub-paragraph (a) insert—
 

“(aa) the Natural Resources Body for Wales, where the UK operator has its registered office in Wales;”;
  - (b) in regulation 7, for sub-paragraph (a) substitute—
 

“(a) the Welsh Ministers, where the regulator is the Natural Resources Body for Wales;”;
  - (c) in regulation 52(9)—
    - (i) for sub-paragraph (a) substitute—
 

“(a) in respect of an appeal against a notice or deemed refusal of the Environment Agency, the Secretary of State;”;
    - (ii) after sub-paragraph (a) insert—
 

“(aa) in respect of an appeal against a notice or deemed refusal of the Natural Resources Body for Wales, the Welsh Ministers;”;
  - (d) in regulation 60—
    - (i) in paragraph (5)(a) for “paragraph (5A)” substitute “ paragraphs (5A) to (5C) ”;
    - (ii) in paragraph (5)(g) after “and 9” insert “ , as modified by paragraph (7A) ”;
    - (iii) for paragraph (5A) substitute—
 

“(5A) In regulation 2—

      - (a) in the definition of “area”—
        - (i) in sub-paragraph (a) omit “and Wales”
        - (ii) after sub-paragraph (a) insert—
 

“(aa) in respect of the Natural Resources Body for Wales, Wales;”;
      - (b) in the definition of “UK operator”, after “means” insert “ (subject to regulation 2A of the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010) ”.
    - (iv) after paragraph (5A) insert—
 

“(5B) In regulation 4—

      - (a) in sub-paragraph (a)(i) omit “or Wales”;
      - (b) after sub-paragraph (a) insert—



- “(aa) the Natural Resources Body for Wales, where the UK operator has its registered office in Wales;”.
- (5C) In regulation 7, for sub-paragraph (a) substitute—
- “(a) the Welsh Ministers, where the regulator is the Natural Resources Body for Wales;”.
- (v) after paragraph (7) insert—
- “(7A) In regulation 36(6)—
- (a) for sub-paragraph (a) substitute—
- “(a) in respect of an appeal against a notice or deemed refusal of the Environment Agency, the Secretary of State;”;
- (b) after sub-paragraph (a) insert—
- “(aa) in respect of an appeal against a notice or deemed refusal of the Natural Resources Body for Wales, the Welsh Ministers;”.
- 426.** In Schedule 5, in paragraphs 3(2) and (11) and 6(8), after “Environment Act 1995,” insert “article 11 of the NRBW Order”.
- 427.** In Schedule 10, in paragraph 1(1)(a)(ii), for “where A's registered office is in Wales” substitute “where the NRBW is the regulator”.

SCHEDULE 5 **E+W**

Article 4(2)

WELSH STATUTORY INSTRUMENTS

**Countryside Access (Draft Maps) (Wales) Regulations 2001 **E+W****

1. The Countryside Access (Draft Maps) (Wales) Regulations 2001 <sup>M137</sup> are amended as follows.

**Marginal Citations**

**M137** S.I. 2001/4001 (W. 329) as amended by S.I. 2002/1796 (W. 171).

- 2.—(1) Regulation 2(1) is amended as follows.
- (2) Omit the definition of “the Council”.
- (3) In the appropriate place insert—
- ““the NRBW” (“CANC”) means the Natural Resources Body for Wales;”.
- (4) For “Council”, in each place where it occurs, substitute “NRBW”.
3. In regulations 3 to 7, for “Council”, in each place where it occurs, substitute “NRBW”.
4. In Schedule 1, after “Forestry Commission” insert “(where land included in a draft map has a border with England)”.

### **Countryside Access (Local Access Forums) (Wales) Regulations 2001** **E+W**

5. The Countryside Access (Local Access Forums) (Wales) Regulations 2001 <sup>M138</sup> are amended as follows.

#### **Marginal Citations**

**M138 S.I. 2001/4002** (W. 330).

6. In regulations 10(2)(d) and 15(9), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

7.—(1) Regulation 17 is amended as follows.

(2) In sub-paragraph (a), for “the Countryside Council for Wales (the Council)” substitute “ the Natural Resources Body for Wales (the NRBW) ”.

(3) In sub-paragraphs (b) and (c), for “Council”, in each place where it occurs, substitute “ NRBW ”.

### **Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002** **E+W**

8. The Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002 <sup>M139</sup> are amended as follows.

#### **Marginal Citations**

**M139 S.I. 2002/1772** (W. 168).

9.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) omit the definition of “the Council”;

(b) in the appropriate place insert—

““the NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

(3) In paragraph (2), for “Council”, in each place where it occurs, substitute “ NRBW ”.

10. In regulations 3(g), 6 to 10, 12 to 14, 16 and 19, for “Council”, in each place where it occurs (including in the headings to regulations 7, 8 and 10), substitute “ NRBW ”.

### **Countryside Access (Appeals Procedures) (Wales) Regulations 2002** **E+W**

11.—(1) Regulation 2(1) of the Countryside Access (Appeals Procedures) (Wales) Regulations 2002 <sup>M140</sup> is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

(4) For “Council”, in each place where it occurs (except in the definition of “the Council”), substitute “NRBW”.

**Marginal Citations**

M140 S.I. 2002/1794 (W. 169) as amended by S.I. 2003/142 (W. 14), S.I. 2005/1154 (W. 71), S.I. 2005/1270 (W. 90).

**Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002** **E+W**

12. The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002<sup>M141</sup> are amended as follows.

**Marginal Citations**

M141 S.I. 2002/1796 (W. 171).

13.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” (“CANC”) means the Natural Resources Body for Wales;”.

(4) For “Council”, in each place where it occurs (except in the definition of “the Council”), substitute “NRBW”.

14. In regulations 3 to 10, for “Council”, in each place where it occurs, substitute “ NRBW ”.

15. In Schedule 1, after “The Environment Agency” and “Forestry Commission” insert “ (where land included in the provisional or conclusive map has a border with England) ”.

**Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002** **E+W**

16.—(1) Regulation 13(4) of the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002<sup>M142</sup> is amended as follows.

(2) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

(3) Omit sub-paragraph (f).

**Marginal Citations**

M142 S.I. 2002/3188 (W. 304) as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759, S.I. 2011/1043.

**Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003** **E+W**

17. The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003<sup>M143</sup> are amended as follows.

**Marginal Citations**

M143 S.I. 2003/135 (W. 9).

18. In regulation 2(1), omit the definition of “the Council”.

19.—(1) Regulation 4(4) is amended as follows.

(2) In sub-paragraph (b), for “the Council” substitute “ the Natural Resources Body for Wales ”.

(3) Omit sub-paragraph (d).

### **Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003** **E+W**

20. The Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003 <sup>M144</sup> are amended as follows.

#### **Marginal Citations**

**M144** [S.I. 2003/142](#) (W. 14).

21.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

22. In regulations 12(1) and 14(7) and (9), for “Council”, in each place where it occurs, substitute “NRBW”.

### **Coast Protection (Notices) (Wales) Regulations 2003** **E+W**

23. In regulation 4(c) of the Coast Protection (Notices) (Wales) Regulations 2003 <sup>M145</sup>, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M145** [S.I. 2003/1847](#) (W. 197).

### **Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004** **E+W**

24.—(1) Regulation 3(3) of the Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004 <sup>M146</sup> is amended as follows.

(2) For sub-paragraph (b), substitute—

“(b) where the determination relates to an area that is the whole or part of an area of a water undertaker whose area is wholly in Wales, the Natural Resources Body for Wales;”.

(3) For sub-paragraph (c), substitute—

“(c) where the determination relates to an area that is the whole or part of an area of a water undertaker whose area is partly in Wales and partly in England, the Natural Resources Body for Wales and the Environment Agency;”.

#### **Marginal Citations**

**M146** [S.I. 2004/701](#) (W. 75) as amended by [S.I. 2005/2035](#).

## Landfill Allowances Scheme (Wales) Regulations 2004 **E+W**

25. In regulation 5 of the Landfill Allowances Scheme (Wales) Regulations 2004 <sup>M147</sup>, for “Environment Agency” substitute “Natural Resources Body for Wales”.

### Marginal Citations

M147 S.I. 2004/1490 (W. 155) as amended by S.I. 2005/1820 (W. 148), S.I. 2011/971 (W. 141), S.I. 2012/65 (W. 16).

## Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 **E+W**

26.—(1) Regulation 4 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 <sup>M148</sup> is amended as follows.

(2) For paragraph (1) substitute—

“(1) Subject to paragraph (2), in relation to every plan or programme to which these Regulations apply, each of the following bodies are consultation bodies—

- (a) the Natural Resources Body for Wales;
- (b) Cadw.”

(3) In paragraph (2), for “a body mentioned in paragraph (1)” substitute “Cadw”.

### Marginal Citations

M148 S.I. 2004/1656 (W. 170) as amended by S.I. 2011/1043.

## Hazardous Waste (Wales) Regulations 2005 **E+W**

27. The Hazardous Waste (Wales) Regulations 2005 <sup>M149</sup> are amended as follows.

### Marginal Citations

M149 S.I. 2005/1806 (W. 138) as amended by S.I. 2006/937, S.I. 2007/3538, S.I. 2009/2861 (W. 250), S.I. 2010/675, S.I. 2010/1820 (W. 177), S.I. 2011/556 (C. 19), S.I. 2011/971 (W. 141), S.I. 2011/2043.

28. In regulation 5(1), in the appropriate place insert—

““NRBW” (“CANC”) means the Natural Resources Body for Wales;”.

29. In regulation 11, after paragraph (a) insert—

“(aa) the NRBW;”.

30. In the following provisions, for “Agency”, in each place where it occurs, substitute “NRBW”

- (a) regulation 21(1) and (2);
- (b) regulations 23 to 28;
- (c) regulation 33(1);
- (d) regulation 42(5)(a) and (6)(b)(ii);
- (e) regulation 47(4)(b);
- (f) regulation 49(5)(a) and (6);
- (g) regulation 51(3) and (4)(b);

- (h) regulation 53;
  - (i) regulation 55.
- 31.** In the heading to Part 8, for “Agency's” substitute “NRBW's”.
- 32.** In the following provisions, for “Agency”, in each place where it occurs, substitute “NRBW”
- (a) regulation 56;
  - (b) regulation 58 (including the heading);
  - (c) regulation 60(1);
  - (d) regulations 62 to 64 (including the heading to regulation 63).
- 33.** In regulation 65A(1), for “the Environment Agency” substitute “the NRBW”.
- 34.** In regulations 70 and 71(3), for “Agency”, in each place where it occurs, substitute “NRBW”.
- 35.—**(1) Schedule 7 is amended as follows.
- (2) In paragraph 4—
    - (a) in sub-paragraph (2)(a), for “Agency” substitute “NRBW”;
    - (b) in sub-paragraph (3)(b), after “from Northern Ireland” insert “or the Agency (where the waste is transported from England)”;
    - (c) in sub-paragraph (4)—
      - (i) after “or Northern Ireland” insert “or England”;
      - (ii) after “from Northern Ireland” insert “or the Agency (where the waste is transported from England)”.
  - (3) In paragraph 5—
    - (a) in sub-paragraph (1), after “or Northern Ireland” insert “or England”;
    - (b) in sub-paragraph (2)(a)(i), after “in Northern Ireland” insert “or the Agency (where the waste is to be consigned to a consignee in England)”.
- 36.** In Schedule 10, in the Form of Fixed Penalty Notices, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

### **Town and Country Planning (Local Development Plan) (Wales) Regulations 2005** E+W

- 37.—**(1) Regulation 2(1) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 <sup>M150</sup> is amended as follows.
- (2) In the definition of “specific consultation bodies”—
    - (a) in sub-paragraph (a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;
    - (b) omit sub-paragraph (b).

#### **Marginal Citations**

**M150** [S.I. 2005/2839](#) (W. 203) as amended by [S.I. 2011/971](#) (W. 141).

### **Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006** **E** **+W**

**38.** In regulation 18(2)(a) of the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 <sup>M151</sup>, after “the Agency” insert “, the Natural Resources Body for Wales”.

#### **Marginal Citations**

**M151** [S.I. 2006/2988](#) (W. 277) as amended by [S.I. 2007/3250](#), [S.I. 2008/521](#), [S.I. 2010/2146](#).

### **Contaminated Land (Wales) Regulations 2006** **E+W**

**39.** The Contaminated Land (Wales) Regulations 2006 <sup>M152</sup> are amended as follows.

#### **Marginal Citations**

**M152** [S.I. 2006/2989](#) (W. 278) as amended by [S.I. 2007/3538](#), [S.I. 2010/675](#), [S.I. 2012/283](#) (W. 47).

**40.** In regulations 5(1), 7(1)(o) and 13(3)(b), and in Schedule 3, in paragraphs 10(1) and 13, for “the Environment Agency” and “the Agency”, in each place where they occur, substitute “ the Natural Resources Body for Wales ”.

### **Controls on Dogs (Non-application to Designated Land) (Wales) Order 2007** **E+W**

**41.** — In the Schedule to the Controls on Dogs (Non-application to Designated Land) (Wales) Order 2007 <sup>M153</sup>, the Table is amended as follows.

(2) In the first description of land, in the first column, for “the Forestry Commissioners” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M153** [S.I. 2007/701](#) (W. 58).

### **Zoonoses (Monitoring) (Wales) Regulations 2007** **E+W**

**42.** In regulation 7 of the Zoonoses (Monitoring) (Wales) Regulations 2007 <sup>M154</sup>, for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

#### **Marginal Citations**

**M154** [S.I. 2007/2459](#) (W. 207).

### **Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007** **E+W**

**43.** The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 <sup>M155</sup> are amended as follows.

**Marginal Citations**

**M155** [S.I. 2007/2933](#) (W. 253) as amended by [S.I. 2011/1043](#).

- 44.**—(1) In regulation 2(1), the definition of “consultation bodies” is amended as follows.
- (2) In sub-paragraph (a), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.
- (3) Omit sub-paragraph (b).
- 45.** In regulation 5(7)(d), omit “by the Countryside Council for Wales”.

**Nitrate Pollution Prevention (Wales) Regulations 2008** **E+W**

- 46.** The Nitrate Pollution Prevention (Wales) Regulations 2008 <sup>M156</sup> are amended as follows.

**Marginal Citations**

**M156** [S.I. 2008/3143](#) (W. 278) as amended by [S.I. 2010/489](#) (W.55), [S.I. 2012/1238](#) (W. 151).

- 47.**—(1) Regulation 6 is amended as follows.
- (2) Omit the definition of “Agency”.
- (3) In the appropriate place insert—
- ““NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.
- 48.** In regulations 7(1)(a), 8(3) and 13A to 13D, for “Agency”, in each place where it occurs, substitute “ NRBW ”.
- 49.** In regulation 49, for “Environment Agency” substitute “ NRBW ”.
- 50.** In Schedule 4, in paragraph 19(1) and (2), for “Agency” substitute “ NRBW ”.

**Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009** **E+W**

- 51.** The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 <sup>M157</sup> are amended as follows.

**Marginal Citations**

**M157** [S.I. 2009/995](#) (W. 81) as amended by [S.I. 2011/556](#) (C. 19), [S.I. 2011/971](#) (W. 141), [S.I. 2011/1043](#), [S.I. 2011/2131](#), [S.I. 2012/630](#).

- 52.**—(1) Regulation 10 is amended as follows.
- (2) In paragraph (2)—
- (a) before “the Environment Agency”, in the first place where it occurs, insert “ either the Natural Resources Body for Wales or ”;
- (b) for “the Environment Agency”, in the second place where it occurs, substitute “ the Natural Resources Body for Wales ”.
- (3) In paragraph (3)(b)—



**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

- (a) in paragraph (ii), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”;
- (b) in paragraph (iii), for “Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

**53.**—(1) Regulation 11 is amended as follows.

(2) In the table, in the third column—

- (a) for “Environment Agency” in each place where it occurs substitute “ Natural Resources Body for Wales ”;
- (b) for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

**54.** In regulation 31(2), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

#### **Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009** **E+W**

**55.** In article 3(2)(a) of the Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009<sup>M158</sup>, for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

##### **Marginal Citations**

**M158** [S.I. 2009/3050](#) (W. 267) as amended by [S.I. 2010/1142](#) (W. 101).

#### **Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009** **E+W**

**56.**—(1) Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009<sup>M159</sup> is amended as follows.

(2) In the definition of “the consultation bodies”, in sub-paragraph (b)—

- (a) in paragraph (ii), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”;
- (b) omit paragraph (iii).

(3) In the definition of “sensitive area”, in sub-paragraph (g), for “the Countryside Council for Wales” substitute “ the Natural Resources Body for Wales ”.

##### **Marginal Citations**

**M159** [S.I. 2009/3342](#) (W. 293).

#### **Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010** **E+W**

**57.** The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010<sup>M160</sup> are amended as follows.

**Changes to legislation:** There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013. (See end of Document for details)

**Marginal Citations**

**M160** [S.I. 2010/1493](#) (W. 136).

**58.**—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “Environment Agency”.

(3) In the appropriate place insert—

““NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

**59.** In regulations 3(1)(c)(i) and 7 to 9, and in Schedule 2, in paragraphs 5(1)(b) and 7, for “Environment Agency”, in each place where it occurs, substitute “NRBW”.

**Environmental Civil Sanctions (Wales) Order 2010** **E+W**

**60.** In article 2 of the Environmental Civil Sanctions (Wales) Order 2010 <sup>M161</sup>, for “The Environment Agency” substitute “The Natural Resources Body for Wales” <sup>M162</sup>.

**Marginal Citations**

**M161** [S.I. 2010/1821](#) (W. 178).

**M162** [Schedule 7](#) contains transitional provisions relating to this Order.

**Llangollen and Corwen Railway Order 2010** **E+W**

**61.** The Llangollen and Corwen Railway Order 2010 <sup>M163</sup> is amended as follows.

**Marginal Citations**

**M163** [S.I. 2010/2136](#) (W. 192).

**62.** In article 9(8)(a) and the heading to article 21, for “Environment Agency” substitute “Natural Resources Body for Wales”.

**63.** In Schedule 4, for “Environment Agency”, in each place where it occurs (including in the heading to that Schedule), substitute “Natural Resources Body for Wales”.

**Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010** **E+W**

**64.** In article 4(1)(a) of the Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010 <sup>M164</sup>, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

**Marginal Citations**

**M164** [S.I. 2010/2915](#) (W. 240).

**Marine Licensing (Exempted Activities) (Wales) Order 2011** **E+W**

**65.** The Marine Licensing (Exempted Activities) (Wales) Order 2011 <sup>M165</sup> is amended as follows.

**Marginal Citations**

M165 S.I. 2011/559 (W. 81).

66. In articles 18(1) and 19(1), after “by or on behalf of” insert “ the Natural Resources Body for Wales or ”.

67. In article 25(1), for “the Countryside Council for Wales”, in each place where it occurs, substitute “ the Natural Resources Body for Wales ”.

**Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011** **E+W**

68. In regulation 1(c)(ii) of the Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011 <sup>M166</sup>, after “the Environment Agency” insert “ and the Natural Resources Body for Wales ”.

**Marginal Citations**

M166 S.I. 2011/865 (W. 127).

**Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011** **E+W**

69. The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011 <sup>M167</sup> are amended as follows.

**Marginal Citations**

M167 S.I. 2011/1014 (W.152).

70. In regulation 2, in the definition of “the WasteDataFlow system”, for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

71. In regulation 3(1), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

**Incidental Flooding and Coastal Erosion (Wales) Order 2011** **E+W**

72. The Incidental Flooding and Coastal Erosion (Wales) Order 2011 <sup>M168</sup> is amended as follows.

**Marginal Citations**

M168 S.I. 2011/2829 (W. 302).

73. In article 3(3), for “the Environment Agency” substitute “ the Natural Resources Body for Wales ”.

74.—(1) Article 3 is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (b), for “reference in section 157(6)(a)” substitute “ references in section 157(6)(a) and (7)(a) ”;
- (b) in sub-paragraph (c), after “to (e)” insert “ and (7)(c) ”.
- (3) In paragraph (3), after “An authorisation to” insert “ the Natural Resources Body for Wales or ”.

**75.**—(1) Article 4 is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), after “Agency” insert “ or the NRBW ”;
- (b) in sub-paragraph (c)—
  - (i) in the opening words, omit “the words “the Agency””;
  - (ii) in paragraph (i), at the beginning insert “ the words “the Agency or the NRBW” in ”;
  - (iii) after paragraph (i) insert—
    - “(ia) the words “the Agency or, as the case may be, by the NRBW” in section 154(2);”;
  - (iv) in paragraph (ii), for “where they appear” substitute “ the words “the Agency or the NRBW” ”;
  - (v) in paragraph (iii), for “the second and third places they appear” substitute “the words “the Agency or the NRBW” and “the Agency or, as the case may be, the NRBW””;
- (c) after sub-paragraph (d) insert—
  - “(e) section 154(7) were omitted.”

(3) In paragraph (2)—

- (a) in sub-paragraph (a), after “The Agency” insert “ and the NRBW ”;
- (b) in sub-paragraph (b)—
  - (i) after “the Agency” insert “ or, as the case may be, the NRBW ”;
  - (ii) omit “and (6)”;
- (c) in sub-paragraph (c), after “157(2)(b)” insert “ and (6) ”;
- (d) after sub-paragraph (c) insert—
  - “(ca) the words “the local authority” were substituted for the words “the NRBW” where they appear in section 157(7);”;
- (e) in sub-paragraph (d), for “157(6)(a)” substitute “ 157(7)(a) ”;
- (f) in sub-paragraph (e), for “157(6)(c) to (e)” substitute “ 157(7)(c) ”.

**76.**—(1) Article 6 is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a)—
  - (i) in the opening words, after “Agency” insert “ or by the NRBW ”;
  - (ii) in paragraph (ii), omit “first”;
- (b) in sub-paragraph (b)—
  - (i) in the opening words, after “Agency” insert “ or the NRBW ”;
  - (ii) in paragraph (ii), for “the second place” substitute “ where ”.

(3) In paragraph (2)—

- (a) in sub-paragraph (a), after “Agency” insert “ or by the NRBW ”;
  - (b) in sub-paragraph (b), after “Agency” insert “ or the NRBW ”;
  - (c) in sub-paragraph (d), after “171(2)(b)” insert “ and (6) ”.
- (4) In paragraph (3)—
- (a) in sub-paragraph (f)—
    - (i) after “Agency” insert “ or the NRBW ”;
    - (ii) omit “and 8”;
  - (b) after sub-paragraph (f) insert—
    - “(fa) the words “or a local authority” were substituted for “, the Agency or the NRBW” in paragraph 8(1);”.
77. In article 8, for “Agency”, in each place where it occurs, substitute “ appropriate agency ”.

### **Town and Country Planning (Development Management Procedure) (Wales) Order 2012** E +W

78. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 <sup>M169</sup> is amended as follows.

#### **Marginal Citations**

**M169** [S.I. 2012/801](#) (W. 110) as modified by [S.I. 2012/1659](#).

- 79.—(1) Article 27(3) is amended as follows.
- (2) In sub-paragraph (b), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.
  - (3) Omit sub-paragraph (c).
- 80.—(1) In Schedule 4, the Table is amended as follows.
- (2) For “Environment Agency”, in each place where it occurs, substitute “ Natural Resources Body for Wales ”.
  - (3) For “Countryside Council for Wales”, in each place where it occurs, substitute “ Natural Resources Body for Wales ”.

## SCHEDULE 6 E+W

Article 4(2)

### OTHER SUBORDINATE LEGISLATION

### **Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998** E +W

1. In direction 4(1) of the Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998, after paragraph (b) insert—
- “(ba) The Natural Resources Body for Wales;”.

**Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004** E+W

2. The Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004 is amended as follows.

3. In the title to the Order and in article 1, after “Environment Agency” insert “ and Natural Resources Body for Wales ”.

4. In articles 5 and 9, for “Agency” substitute “ appropriate agency ”.

**Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009** E+W

5. The Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009 is amended as follows.

6. In the title to the Order and in article 1(1), for “Environment Agency” substitute “ Natural Resources Body for Wales ”.

7.—(1) Article 2 is amended as follows.

(2) Omit the following definitions—

(a) “the Agency”;

(b) “the Agency's area”.

(3) At the end of the definition of “licence”, omit “and”.

(4) In the definition of “net licence officer”, for “Agency” and “Agency's”, in each place where they occur, substitute “ NRBW ” and “ NRBW's ” respectively.

(5) In the appropriate places insert the following definitions—

““the NRBW” means the Natural Resources Body for Wales;”;

““the NRBW's area” means the area in respect of which the NRBW carries out its functions relating to fisheries pursuant to section 6(7A) of the Environment Act 1995.”

8. In articles 3 and 4, for “Agency's” and “Agency”, in each place where they occur, substitute “ NRBW's ” and “ NRBW ” respectively.

9. In article 5, for paragraph (1) substitute—

“(1) Subject to article 8(2), all applications for licences for each year pursuant to this Order must be made to the NRBW not later than the 31st day of December in the previous year.”

10.—(1) Article 6 is amended as follows.

(2) In paragraphs (1) and (3) to (6), for “Agency” and “Agency's”, in each place where they occur, substitute “ NRBW ” and “ NRBW's ” respectively.

(3) For paragraph (2) substitute—

“(2) The NRBW must publish the criteria referred to in paragraph (1) of this article, and make them available for public inspection at its offices.”

11. In article 7(1), for “Agency's” and “Agency” substitute “ NRBW's ” and “ NRBW ” respectively.

12.—(1) The Schedule is amended as follows.

(2) In Part 1—

(a) omit column 3;

- (b) in the entry relating to the Rivers Eastern and Western Cleddau, for “Agency” substitute “NRBW”.
- (3) In Part 2, omit column 3.

## SCHEDULE 7 **E+W**

Article 10

### TRANSITIONAL PROVISIONS AND SAVINGS

## **PART 1** **E+W**

### General provisions

#### **Interpretation** **E+W**

1.—(1) In this Schedule—

“the transfer date” (“*y dyddiad trosglwyddo*”) means 1 April 2013;

“transferee” (“*trosglwyddai*”) means the body or person by whom a transferred function becomes exercisable on the transfer date;

“transferor” (“*trosglwyddwr*”) means the body or person by whom a transferred function was exercisable immediately before the transfer date;

“transferred function” (“*swyddogaeth drosglwyddedig*”) means any function which, by virtue of any provision made by this Order, becomes exercisable on the transfer date by a body or person other than the body or person by whom it was exercisable immediately before that date.

(2) For the purpose of the definition of “transferred function”, it does not matter that a function continues to be exercisable on and after the transfer date by the transferor as well as the transferee (whether jointly or otherwise).

(3) In this Schedule, any reference to anything done by or in relation to a transferor includes a reference to anything which, by virtue of any enactment, is treated as having been done by or in relation to that transferor.

#### **Continuity of exercise of functions** **E+W**

2.—(1) None of the following, that is to say—

- (a) the abolition of the CCW,
- (b) the transfer, modification, repeal or revocation by this Order of any function, or
- (c) the transfer by this Order of any property, rights or liabilities,

affects the validity of anything done before the abolition, transfer, modification, repeal or revocation takes effect.

(2) Anything (including, without limitation, legal proceedings) which, at the transfer date, is in the process of being done by or in relation to a transferor in the exercise of, or in connection with, a transferred function may be continued by or in relation to the transferee.

(3) Anything done by or in relation to a transferor before the transfer date in the exercise of, or otherwise in connection with, a transferred function is, so far as is required for continuing its effect on and after that date, to have effect as if done by or in relation to the transferee.

(4) Any reference to a transferor (and any reference which is to be read as a reference to a transferor) in any document constituting or relating to anything to which the provisions of this paragraph apply is, so far as is required for giving effect to those provisions, to be treated as a reference to the transferee.

**3.—(1)** This paragraph applies where—

- (a) a function (“the old function”) was conferred on the CCW by Part 7 of the 1990 Act or any other provision which is repealed by this Order;
- (b) an equivalent function (“the new function”) is conferred on the Body by any provision of the Establishment Order (as amended by this Order).

(2) Anything (including, without limitation, legal proceedings) which, at the transfer date, is in the process of being done in relation to the old function may be continued in relation to the new function.

(3) Anything done in relation to the old function is, so far as is required for continuing its effect on and after the transfer date, to have effect as if done in relation to the new function.

(4) Any reference to the CCW (and any reference which is to be read as a reference to the CCW) in any document relating to the old function is, so far as is required for giving effect to this paragraph, to be treated as a reference to the Body.

**4.** The provisions of this Part—

- (a) are without prejudice to any provision made by this Order in relation to any particular functions;
- (b) are not to be treated as continuing in force any contract of employment made by a transferor.

## PART 2 E+W

### Directions

#### General directions E+W

**5.—(1)** A direction which was given under section 3(1) of the National Parks and Access to the Countryside Act 1949<sup>M170</sup> or section 131(4) of the 1990 Act before the transfer date is to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(2) A direction which was given for the purposes of section 1(4) of the Forestry Act 1967<sup>M171</sup> before the transfer date is, to the extent that it applies in relation to a function that becomes exercisable by the Body by virtue of any provision made by this Order, to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(3) A direction which was given under section 40(1) of the 1995 Act before the transfer date is, to the extent that it applies in relation to a transferred function, to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(4) A direction which was given under section 40(2) of the 1995 Act before the transfer date is, to the extent that it applies in relation to Wales, to be treated on and after the transfer date as a direction given to the Body under article 11(3) of the Establishment Order (as substituted by this Order), but this is subject to any provision made by this Part in relation to particular directions.



**Marginal Citations**

M170 1949 c. 97.

M171 1967 c. 10.

**The River Basin Districts Surface Water and Groundwater Classification (Water Framework Directive) (England and Wales) Direction 2009** **E+W**

6.—(1) The River Basin Districts Surface Water and Groundwater Classification (Water Framework Directive) (England and Wales) Direction 2009 is to be treated on and after the transfer date as a direction given to the appropriate agency—

- (a) under article 11(3) of the Establishment Order (as substituted by this Order) in so far as the direction applies where the appropriate agency is the Natural Resources Body for Wales;
- (b) under section 40(2) of the 1995 Act in so far as the direction applies where the appropriate agency is the Environment Agency;
- (c) under article 11(3) of the Establishment Order<sup>M172</sup> (as substituted by this Order) and under section 40(2) of the 1995 Act in so far as the direction applies where the appropriate agency is the Natural Resources Body for Wales and the Environment Agency acting jointly.

(2) In this paragraph “appropriate agency” (“*asiantaeth briodol*”) has the same meaning as in regulation 2(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 as amended by this Order.

**Marginal Citations**

M172 S.I. 2003/3242 as amended by S.I. 2005/2035, S.I. 2007/3538, S.I. 2008/1097 (partly as from 14/05/08, fully as from 24/03/15), S.I. 2010/630 (C. 42), S.I. 2011/556 (C. 19).

**The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010** **E+W**

7.—(1) The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010 are to be treated on and after the transfer date as directions given to the appropriate agency—

- (a) under articles 11(3) and 11A(3) of the Establishment Order (as substituted by this Order) in so far as the directions apply where the appropriate agency is the Natural Resources Body for Wales;
- (b) under sections 40(2) and 122(2) of the 1995 Act in so far as the directions apply where the appropriate agency is the Environment Agency; and
- (c) under articles 11(3) and 11A(3) of the Establishment Order (as substituted by this Order) and under sections 40(2) and 122(2) of the 1995 Act in so far as the directions apply where the appropriate agency is the Natural Resources Body for Wales and the Environment Agency acting jointly.

(2) In this paragraph, “appropriate agency” (“*asiantaeth briodol*”) has the same meaning as in regulation 2(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 as amended by this Order.

## PART 3 E+W

### Provisions relating to amendments of specific enactments

#### Environmental Protection Act 1990 E+W

**8.** Notwithstanding the repeal by this Order of Schedules 8 and 9 to the 1990 Act, the amendments made by those Schedules to other Acts continue to have effect to the extent that they had effect immediately before the coming into force of this Order, subject to any amendments to those other Acts made by this Order.

#### Control of Major Accident Hazards Regulations 1999 E+W

**9.**—<sup>[F9]</sup>(1) This paragraph applies for the purposes of regulation 21(1)(c) of the Control of Major Accident Hazards Regulations 2015.]

(2) Where—

- (a) a safety report is sent to the competent authority in relation to an establishment in Wales;
- (b) that safety report includes information by reference to information contained in another report or notification sent to the Environment Agency pursuant to a requirement imposed by or under any enactment; and
- (c) the other report or notification was sent to the Environment Agency before the transfer date;

then the report or notification sent to the Environment Agency is deemed to have been sent to the appropriate agency.

<sup>[F10]</sup>(3) In this paragraph, “appropriate agency”, “establishment” and “safety report” have the meanings given by regulation 2(1) of the Control of Major Accident Hazards Regulations 2015.]

#### Textual Amendments

- F9** Sch. 7 para. 9(1) substituted (1.6.2015) by [The Control of Major Accident Hazards Regulations 2015 \(S.I. 2015/483\)](#), reg. 1(1), [Sch. 6 para. 8\(2\)\(a\)](#) (with reg. 3(2))
- F10** Sch. 7 para. 9(3) substituted (1.6.2015) by [The Control of Major Accident Hazards Regulations 2015 \(S.I. 2015/483\)](#), reg. 1(1), [Sch. 6 para. 8\(2\)\(b\)](#) (with reg. 3(2))

#### Forest Reproductive Material (Great Britain) Regulations 2002 E+W

**10.**—(1) A person who is an authorised officer for the purposes of the Forest Reproductive Material (Great Britain) Regulations 2002 <sup>M173</sup> immediately before the transfer date is thereafter deemed to be an authorised officer by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

(2) Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

#### Marginal Citations

- M173** [S.I. 2002/3026](#) as amended by [S.I. 2006/2530](#).

### Plant Health (Forestry) Order 2005 **E+W**

11.—(1) A person who is an inspector for the purposes of the Plant Health (Forestry) Order 2005<sup>M174</sup> immediately before the transfer date is thereafter deemed to be an inspector by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

(2) Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

#### Marginal Citations

M174 S.I. 2005/2517 as amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/3020.

### Environmental Civil Sanctions (Wales) Order 2010 **E+W**

12.—(1) In this paragraph—

“the 2008 Act” (“*Deddf 2008*”) means the Regulatory Enforcement and Sanctions Act 2008;

“the 2010 Order” (“*Gorchymyn 2010*”) means the Environmental Civil Sanctions (Wales) Order 2010<sup>M175</sup> as amended by this Order.

(2) Section 67 of the 2008 Act applies to the 2010 Order as if—

- (a) in subsection (2) there were substituted, for the period of three years, a period of one year; and
- (b) any provision of the 2010 Order conferring power on a regulator to impose a civil sanction in relation to an offence—
  - (i) had been made under or by virtue of Part 3 of the 2008 Act; and
  - (ii) had come into force on the transfer date.

#### Marginal Citations

M175 S.I. 2010/1821 (W. 178).

## PART 4 **E+W**

### Provisions relating to abolition of CCW

#### Interpretation **E+W**

13. In this Part, “the relevant period” (“*y cyfnod perthnasol*”) means the period commencing on 1 April 2012 and ending on 31 March 2013.

#### Final statement of accounts in relation to CCW **E+W**

14.—(1) The Body must prepare a statement of accounts in relation to the CCW for the relevant period.

(2) The Body must submit the statement of accounts to the Welsh Ministers in such form and at such time as they may direct.

- (3) The Welsh Ministers must send a copy of the statement of accounts to the Auditor General for Wales on or before 31 August 2013.
- (4) The Auditor General for Wales must—
- (a) examine, certify and report on the statement of accounts;
  - (b) provide a copy of the certified statement of accounts together with his or her report on it to the Body; and
  - (c) no later than 4 months after the statement of accounts is submitted, lay before the National Assembly for Wales a copy of the certified statement of accounts and report.

### Final report in relation to CCW **E+W**

- 15.**—(1) The Body must prepare for the Welsh Ministers a report on the exercise and performance of the functions of the CCW during the relevant period.
- (2) The Body must submit the report to the Welsh Ministers as soon as possible after 31 March 2013.
- (3) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Natural Resources Body for Wales (Establishment) Order 2012 (“the Establishment Order”) established a new statutory body, the Natural Resources Body for Wales (“the Body”) and provided for its purpose, membership, procedure, financial governance and initial functions. This Order makes further provision about the Body, including provision about the modification and transfer of environmental functions to the Body.

Article 3 introduces Schedule 1, which contains amendments to the Establishment Order relating to the general functions of the Body. The amendments made by paragraphs 4 and 7 place duties on the Body relating to nature conservation, access and recreation and cooperation. The amendments made by paragraphs 9 to 11 confer on the Body powers to enter into agreements with local authorities and public bodies, provide advice or assistance (including financial assistance) to others, undertake or commission research and institute criminal proceedings in England and Wales.

Paragraphs 12 and 13 of Schedule 1 amend the provisions of the Establishment Order relating to directions to the Body by the Welsh Ministers or the Secretary of State. Paragraphs 14 to 17 amend the financial provisions of the Establishment Order and give the Body a power to charge for work. Paragraph 18 inserts a new Part 4 of the Establishment Order which requires the Body to adopt a scheme for the publication of information about permitting decisions, and to notify the Welsh Ministers of certain permit applications.

Article 4(1) introduces Schedules 2 and 3, which amend specified primary legislation, by omitting references to the Countryside Council for Wales (“the CCW”), substituting references to the Body for existing references to the Forestry Commissioners, the CCW, the Environment Agency or the Welsh Ministers, and substituting references to the Welsh Ministers for certain references to the Forestry Commissioners. Article 4(2) introduces Schedules 4, 5 and 6, which amend specified subordinate legislation in the same manner. Schedules 2 to 6 also contain consequential, supplementary and incidental provisions.

The general effect of these amendments is that Welsh devolved functions of the Environment Agency and the Forestry Commissioners, and nearly all the functions of the CCW, are modified and transferred to the Body. Certain licensing functions of the Welsh Ministers relating to the environment are also transferred to the Body. Powers of the Forestry Commissioners to make subordinate legislation in relation to Wales are transferred to the Welsh Ministers.

Articles 5 to 7 provide that certain references in local enactments to the CCW, the Forestry Commissioners and the Environment Agency are to be read as references to the Body.

Article 8 abolishes the CCW and makes related repeals. Article 9 abolishes the Environment Protection Advisory Committee established for Wales pursuant to section 12(6) of the Environment Act 1995 and the regional and local fisheries advisory committee established for Wales pursuant to section 13(5) of that Act, and makes related repeals.

Article 10 introduces Schedule 7, which contains transitional and savings provisions.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this instrument. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.

**Changes to legislation:**

There are currently no known outstanding effects for the The Natural Resources Body for Wales (Functions) Order 2013.