

Appendix X

Environmental Protection Act 1990

Part VII Nature Conservation in Great Britain and Countryside Matters in Wales New Councils for England, Scotland and Wales

[128 Countryside Council for Wales]

[(1) There shall be a council to be called the Countryside Council for Wales (in this Part referred to as “the Council”).

(2) The Council shall have not less than 8 nor more than 12 members and those members shall be appointed by the National Assembly for Wales.

(3) The National Assembly for Wales may by order made by statutory instrument amend subsection (2) above so as to substitute for the number for the time being specified as the maximum membership of the Council such other number as the Assembly thinks appropriate.

(4) Schedule 6 has effect with respect to the constitution and proceedings of the Council.]

[129 Grants to the Council]

(1) The National Assembly for Wales may make to the Council grants of such amounts as the Assembly thinks fit.

(2) A grant under this section may be made subject to such conditions (including in particular conditions as to the use of the money for the purposes of the Joint Nature Conservation Committee) as the Assembly may think fit.]

Countryside matters

130 Countryside functions of Welsh Council

(1) The Countryside Council for Wales shall . . . have such of the functions under the Acts amended by Schedule 8 to this Act (which relates to countryside matters) as are assigned to them in accordance with the amendments effected by that Schedule.

(2) The Countryside Council for Wales shall discharge those functions—

(a) for the conservation and enhancement of natural beauty in Wales and of the natural beauty and amenity of the countryside in Wales, both in the areas designated under the [National Parks and Access to the Countryside Act 1949](#) as National Parks or [under the [Countryside and Rights of Way Act 2000](#)] as areas of outstanding natural beauty and elsewhere;

(b) for encouraging the provision or improvement, for persons resorting to the countryside in Wales, of facilities for the enjoyment thereof and for the enjoyment of the opportunities for open-air recreation and the study of nature afforded thereby;

and shall have regard to the social and economic interests of rural areas in Wales.

(3) The reference in subsection (2) above to the conservation of the natural beauty of the countryside includes the conservation of its flora, fauna and geological and physiographical features.

(4) The Countryside Council for Wales . . . shall discharge their . . . functions under those Acts (as amended by Schedule 8) on and after a day to be appointed by an order made by the Secretary of State.

Nature conservation in Great Britain

131 Nature conservation functions: preliminary

(1) For the purpose of nature conservation and fostering the understanding of nature conservation, the Council shall have the functions conferred on them by this Part and [Part 2](#) of the Natural Environment and Rural Communities Act 2006.]

(2) It shall be the duty of [the Council] in discharging their nature conservation functions to take appropriate account of actual or possible ecological changes.

(3) [The Council] shall discharge their nature conservation functions on and after a day to be appointed by an order made by the Secretary of State.

[(4) The National Assembly for Wales may give the Council general or specific directions with regard to the discharge of any of their nature conservation functions under this Part.]

(5) . . .

(6) In this Part “nature conservation” means the conservation of flora, fauna or geological or physiographical features.

132 General functions of [the Council]

(1) [The Council shall] have the following functions, namely—

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

. . . .

(2) [The Council shall] have power—

- (a) to accept any gift or contribution made to them for the purposes of any of the functions conferred on them by subsection (1) above or section 134 below and, subject to the terms of the gift or contribution, to apply it to those purposes;
 - (b) to initiate and carry out such research directly related to those functions as it is appropriate that they should carry out instead of commissioning or supporting other persons under paragraph (e) of that subsection;
- and they may do all such other things as are incidental or conducive to those functions including (without prejudice to the generality of this provision) making charges and holding land or any interest in or right over land.

134 Grants and loans by [the Council]

(1) [The Council may], with the consent of or in accordance with a general authorisation given by [the National Assembly for Wales], give financial assistance by way of grant or loan (or partly in one way and partly in the other) to any person in respect of expenditure incurred or to be incurred by him in doing anything which in their opinion is conducive to nature conservation or fostering the understanding of nature conservation.

(2) . . .

(3) On making a grant or loan [the Council] may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.

(4) [The Council] shall exercise their powers under subsection (3) above so as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted (on payment or otherwise) shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.

NERC part 2

32 UK conservation bodies

(1) In this Part “the UK conservation bodies” means—

- (a) for England, Natural England;
- (b) for Wales, the Countryside Council for Wales;
- (c) for Scotland, Scottish Natural Heritage;
- (d) for Northern Ireland, the Council for Nature Conservation and the Countryside.

(2) In this Part “the GB conservation bodies” means the bodies mentioned in subsection (1)(a) to (c).

33 Purpose of functions under this Part

(1) The UK conservation bodies and the joint committee have the functions conferred on them by this Part for the purposes of—

- (a) nature conservation, and
- (b) fostering the understanding of nature conservation.

(2) Each of them must, in discharging their functions under this Part, have regard to—

- (a) actual or possible ecological changes, and
- (b) the desirability of contributing to sustainable development.

Coordinated functions

34 Functions of national or international significance

(1) The UK conservation bodies have the functions described in subsection (2), but those functions may be discharged only through the joint committee.

(2) The functions are—

(a) providing advice to the appropriate authorities on the development and implementation of policies for or affecting any nature conservation matter which—

- (i) arises throughout the United Kingdom and raises issues common to England, Wales, Scotland and Northern Ireland,
- (ii) arises in one or more (but not all) of those places and affects the interests of the United Kingdom as a whole, or
- (iii) arises outside the United Kingdom;

(b) providing advice to any persons and disseminating knowledge about any matter falling within paragraph (a)(i), (ii) or (iii);

(c) establishing common standards throughout the United Kingdom for the monitoring of nature conservation and for research into nature conservation and the analysis of the resulting information;

(d) commissioning or supporting (whether by financial means or otherwise) research which the joint committee thinks is relevant to any matter mentioned in paragraphs (a) to (c).

(3) “The appropriate authorities” means—

- (a) the Secretary of State (or any other Minister of the Crown),
- (b) the National Assembly for Wales,
- (c) the Scottish Ministers, and
- (d) the relevant Northern Ireland department.

35 Advice from joint committee to UK conservation body

(1) The joint committee may give advice or information to any of the UK conservation bodies on any matter which—

(a) is connected with the functions of that UK conservation body, and

(b) in the opinion of the joint committee—

- (i) arises throughout the United Kingdom and raises issues common to England, Wales, Scotland and Northern Ireland,
- (ii) arises in one or more (but not all) of those places and affects the interests of the United Kingdom as a whole, or
- (iii) arises outside the United Kingdom.

(2) In discharging their functions relating to nature conservation, the UK conservation bodies must have regard to any advice given to them under subsection (1).

36 GB functions with respect to wildlife

(1) The GB conservation bodies have the functions described in subsection (2), but those functions may be discharged only through the joint committee.

(2) The functions are—

(a) those under sections 22(3) and 24(1) of the 1981 Act (listing of protected animals and plants);
(b) commissioning or supporting (whether by financial means or otherwise) research which the joint committee thinks is relevant to those functions.

(3) “The 1981 Act” means the [Wildlife and Countryside Act 1981 \(c 69\)](#).

37 UK conservation bodies: incidental powers for UK purposes, etc

(1) Each of the UK conservation bodies may do anything that appears to it to be conducive or incidental to its functions under this Part.

(2) In particular each of them may for the purposes of its functions under this Part—

(a) acquire or dispose of property;

(b) accept gifts;

(c) undertake research directly related to those functions if it appears appropriate to do so.

(3) Nothing in any of the enactments concerning the functions of the UK conservation bodies prevents any of them—

(a) if requested to do so by any of the others, from giving advice or information to the other, or

(b) from giving advice or information to the joint committee.

(4) “Enactment” includes an Act of the Scottish Parliament and Northern Ireland legislation.

Directions

38 Directions

(1) The Secretary of State may give the joint committee general or specific directions as to the discharge of any function under section 34 or 35 (but not as to the discharge of a function under section 36).

(2) Before giving any directions under this section, the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.

(3) The Secretary of State must publish any directions given under this section as soon as is reasonably practicable after giving the directions.

(4) The power to give directions under this section includes power to vary or revoke the directions.

(5) The joint committee must comply with any directions given under this section.

Interpretation

39 Interpretation

In this Part—

“the joint committee” means the Joint Nature Conservation Committee;

“Minister of the Crown” has the same meaning as in the [Ministers of the Crown Act 1975 \(c 26\)](#);

“nature conservation” means the conservation of flora, fauna or geological or physiographical features;

“the relevant Northern Ireland department” means the Department of the Environment in Northern Ireland;

“research” includes inquiries and investigations.

[section 15](#) of the National Parks and Access to the Countryside Act 1949

Part III Nature Conservation

[15 Meaning of “nature reserve”]

[(1) In this Part, “nature reserve” means—

(a) land managed solely for a conservation purpose, or

(b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.

(2) Land is managed for a conservation purpose if it is managed for the purpose of—

(a) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or

(b) preserving flora, fauna or geological or physiographical features of special interest in the area, or for both those purposes.

(3) Land is managed for a recreational purpose if it is managed for the purpose of providing opportunities for the enjoyment of nature or for open-air recreation.]