



Environment (Wales) Act 2016

2016 anaw 3

PART 1

SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

General duties of public authorities

6 Biodiversity and resilience of ecosystems duty

- (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.
- (2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—
 - (a) diversity between and within ecosystems;
 - (b) the connections between and within ecosystems;
 - (c) the scale of ecosystems;
 - (d) the condition of ecosystems (including their structure and functioning);
 - (e) the adaptability of ecosystems.
- (3) Subsection (1) does not apply to—
 - (a) the exercise of a function by Her Majesty's Revenue and Customs, or
 - (b) the exercise of a judicial function of a court or tribunal.
- (4) In complying with subsection (1)—
 - (a) the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Minister of the Crown and a government department must have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, and
 - (b) any other public authority must have regard to any guidance given to it by the Welsh Ministers.

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- (5) In complying with subsection (1), a public authority other than a Minister of the Crown or government department must have regard to—
- (a) the list published under section 7;
 - (b) the state of natural resources report published under section 8;
 - (c) any area statement published under section 11 for an area that includes all or part of an area in relation to which the authority exercises functions.
 - [^{F1}(d) the sustainable land management report published under section 6 of the Agriculture (Wales) Act 2023.]
- (6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).
- (7) A public authority must, before the end of 2019 and before the end of every third year after 2019, publish a report on what it has done to comply with subsection (1).
- (8) A public authority that has published a plan under subsection (6)—
- (a) must review the plan in the light of each report that it publishes under subsection (7), and
 - (b) may revise the plan at any time.
- (9) In this section—
- “Minister of the Crown” (“*Gweinidog y Goron*”) has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
- “public authority” (“*awdurdod cyhoeddus*”) means—
- (a) the Welsh Ministers;
 - (b) the First Minister for Wales;
 - (c) the Counsel General to the Welsh Government;
 - (d) a Minister of the Crown;
 - (e) a public body (including a government department, a local [^{F2}authority [^{F3}, a corporate joint committee] and] a local planning authority [^{F4}...]);
 - (f) a person holding an office—
 - (i) under the Crown,
 - (ii) created or continued in existence by a public general Act of the National Assembly for Wales or of Parliament, or
 - (iii) the remuneration in respect of which is paid out of money provided by the National Assembly for Wales or Parliament;
 - (g) a statutory undertaker.
- (10) In subsection (9)—
- [^{F5}“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);]
- “local authority” (“*awdurdod lleol*”) means a council of a county, county borough or community in Wales;
- “local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given by the Town and Country Planning Act 1990 (c. 8);
- “statutory undertaker” (“*ymgymerwr statudol*”) means any of the following—

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- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
- (b) an operator of an electronic communications code network (within the meaning of paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21));
- (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part 5 of that Act applies;
- (d) a gas transporter (within the meaning of Part 1 of the Gas Act 1986 (c. 44));
- (e) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
- (f) a water or sewerage undertaker;
- (g) the Civil Aviation Authority or a holder of a licence under Chapter 1 of Part 1 of the Transport Act 2000 (c. 38), to the extent that the person holding the licence is carrying out activities authorised by it;
- (h) a universal service provider within the meaning of Part 3 of the Postal Services Act 2011 (c. 5);

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Textual Amendments

- F1** S. 6(5)(d) inserted (17.10.2023) by Agriculture (Wales) Act 2023 (asc 4), s. 56(3)(d), **Sch. 2 para. 6**
- F2** Words in s. 6(9) substituted (21.1.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 46(a)(i)**
- F3** Words in s. 6(9) inserted (3.12.2021) by The Environment (Wales) Act 2016 (Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty) Regulations 2021 (S.I. 2021/1350), regs. 1(2), **2(2)**
- F4** Words in s. 6(9) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 46(a)(ii)**
- F5** Words in s. 6(10) inserted (3.12.2021) by The Environment (Wales) Act 2016 (Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty) Regulations 2021 (S.I. 2021/1350), regs. 1(2), **2(3)**
- F6** Words in s. 6(10) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 46(b)**

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