



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VII

#### NATURE CONSERVATION IN GREAT BRITAIN AND COUNTRYSIDE MATTERS IN WALES

##### Modifications etc. (not altering text)

**C1** Pt. VII (ss. 128-139) applied (S.) (01.04.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 4(1); S.I. 1991/2633, art.4.

#### *New Councils for England, Scotland and Wales*

##### [<sup>F1</sup>128 Creation and constitution of new Councils.

- (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.]

##### Textual Amendments

**F1** S. 128 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 117\(1\)](#); S.I. 2006/2541, art. 2

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## **[<sup>F2</sup>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.]

### **Textual Amendments**

- F2** S. 129 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 118](#); S.I. 2006/2541, [art. 2](#)

## *Countryside matters*

## **130 Countryside functions of Welsh Council.**

- (1) The Countryside Council for Wales shall <sup>F3</sup> . . . 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 [<sup>F4</sup>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 <sup>F5</sup> . . . shall discharge their <sup>F5</sup> . . . 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.

### **Subordinate Legislation Made**

- P1** S. 130(4): s. 130(4)(with ss. 131(3) and 164(3)) power fully exercised: 1.4.1991 appointed by [S.I. 1991/685](#), [art.4](#)

### **Textual Amendments**

- F3** Words in s. 130(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, [Sch. 11 para. 119\(a\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F4** Words in s. 130(2)(a) inserted (30.1.2001 for E., 1.5.2001 for W.) by 2000 c. 37, s. 93, [Sch. 15 Pt. I para. 11](#) (with s. 84(4)-(6)); S.I. 2001/114, [art. 2\(2\)\(e\)](#); S.I. 2001/1410, [art. 2\(g\)](#)

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F5	Words in s. 130(4) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 119(b), Sch. 12; S.I. 2006/2541, art. 2
Commencement Information	
I1	S. 130 in force at 1.4.1991 see s. 164(3) and S.I. 1991/685, art. 3

Nature conservation in Great Britain

131 Nature conservation functions: preliminary.

- [<sup>F6</sup>(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 [<sup>F7</sup>the Council] in discharging their nature conservation functions to take appropriate account of actual or possible ecological changes.
- (3) [<sup>F7</sup>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.
- [<sup>F8</sup>(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) <sup>F9</sup>.....
- (6) In this Part “nature conservation” means the conservation of flora, fauna or geological or physiographical features.

Subordinate Legislation Made	
P2	S. 131(3); S. 130(4)(with ss. 131(3) and 164(3)) power exercised: 1.4.1991 appointed by S.I. 1991/685, art. 4
Textual Amendments	
F6	S. 131(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 120(2); S.I. 2006/2541, art. 2
F7	Words in s. 131(2)(3) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 120(3); S.I. 2006/2541, art. 2
F8	S. 131(4) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 120(4); S.I. 2006/2541, art. 2
F9	S. 131(5) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 120(5), Sch. 12; S.I. 2006/2541, art. 2
Modifications etc. (not altering text)	
C2	S. 131: extension to Scotland continued (1.4.1992) (S.) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 4(3); S.I. 1991/2633, art. 4
Commencement Information	
I2	Appointed day for specified provisions is 1.4.1991 see S.I.1991/685, art. 4(2)

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132     **General functions of <sup>F10</sup>the Council].**

- (1) <sup>F11</sup>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 <sup>M1</sup>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;

<sup>F12</sup> .....

- (2) <sup>F13</sup>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.

- (3) <sup>F14</sup> .....

**Textual Amendments**

- F10** Words in s. 132 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 121\(5\); S.I. 2006/2541, art. 2](#)
- F11** Words in s. 132(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 121\(2\)\(a\); S.I. 2006/2541, art. 2](#)
- F12** Words in s. 132(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105, 107, Sch. 11 para. 121\(2\)\(b\), Sch. 12; S.I. 2006/2541, art. 2](#)
- F13** Words in s. 132(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 121\(3\); S.I. 2006/2541, art. 2](#)
- F14** S. 132(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105, 107, Sch. 11 para. 121\(4\), Sch. 12; S.I. 2006/2541, art. 2](#)

**Modifications etc. (not altering text)**

- C3** S. 132 extended (E.) (1.1.2005) by [The Common Agricultural Policy Single Payment and Support Schemes \(Cross Compliance\) \(England\) Regulations 2004 \(S.I. 2004/3196\), reg. 6\(4\) \(as amended \(30.4.2005\) by The Common Agricultural Policy Single Payment and Support Schemes \(Cross Compliance\) \(England\) \(Amendment\) Regulations 2005 \(S.I. 2005/918\), reg. 2\(d\)\) \(both S.I. 2004/3196 and S.I. 2005/918 were revoked \(12.1.2006\) by S.I. 2005/3459, reg. 10\)](#)

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	S. 132 extended (W.) (1.1.2005) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280)</a> , <b>reg. 6(5)</b> (as substituted (1.11.2006) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006 (S.I. 2006/2831)</a> , reg. 2(5))
	S. 132 extended (E.) (12.1.2006) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005 (S.I. 2005/3459)</a> , <b>reg. 6(5)</b>
C4	S. 132(2) modified (E.) (1.1.2005) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196)</a> , <b>reg. 6(4)</b> (as amended (30.4.2005) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918)</a> , reg. 2(d)) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, reg. 10)
C5	S. 132(2) modified (W.) (1.1.2005) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280)</a> , <b>reg. 6(5)</b> (as substituted (1.11.2006) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006 (S.I. 2006/2831)</a> , reg. 2(5))
C6	S. 132(2) modified (E.) (12.1.2006) by <a href="#">The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2006 (S.I. 2005/3459)</a> , <b>reg. 6(5)</b>
<b>Commencement Information</b>	
I3	S. 132 wholly in force at 1.4.1991 see <a href="#">s. 164(3)</a> and <a href="#">S.I. 1991/685</a> , <b>art. 3</b>
<b>Marginal Citations</b>	
M1	<a href="#">1949 c. 97</a> .

133 Special functions of Councils.

F15  
.....

<b>Textual Amendments</b>	
F15	<a href="#">S. 133</a> repealed (1.10.2006) by <a href="#">Natural Environment and Rural Communities Act 2006 (c. 16)</a> , ss. 105, 107, Sch. 11 para. 122, <b>Sch. 12</b> ; <a href="#">S.I. 2006/2541</a> , <b>art. 2</b>

134 Grants and loans by [<sup>F16</sup>the Council].

- (1) [<sup>F17</sup>The Council may], with the consent of or in accordance with a general authorisation given by [<sup>F18</sup>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) <sup>F19</sup>.....
- (3) On making a grant or loan [<sup>F20</sup>the Council] may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (4) [<sup>F21</sup>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

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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.

Textual Amendments

- F16 Words in s. 134 heading substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 123(6); S.I. 2006/2541, art. 2
- F17 Words in s. 134(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 123(2)(a); S.I. 2006/2541, art. 2
- F18 Words in s. 134(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 123(2)(b); S.I. 2006/2541, art. 2
- F19 S. 134(2) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 123(3), Sch. 12; S.I. 2006/2541, art. 2
- F20 Words in s. 134(3) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 123(4); S.I. 2006/2541, art. 2
- F21 Words in s. 134(4) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 123(5); S.I. 2006/2541, art. 2

Transfer of property, rights and liabilities to new Councils

135 Schemes for the transfer of property etc. of the Nature Conservancy Council.

F22 .....

Textual Amendments

- F22 S. 135 repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 124, Sch. 12; S.I. 2006/2541, art. 2

136 Transfer to Welsh Council of certain property etc. of Countryside Commission.

F23 .....

Textual Amendments

- F23 S. 136 repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 124, Sch. 12; S.I. 2006/2541, art. 2

Employment by new Councils of staff of existing bodies

137 Offers of employment to employees of Nature Conservancy Council and certain employees of Countryside Commission.

F24 .....

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Textual Amendments

**F24** [S. 137](#) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, Sch. 11 para. 124, [Sch. 12](#); S.I. 2006/2541, [art. 2](#)

*Dissolution of Nature Conservancy Council*

**138 Winding up and dissolution of Nature Conservancy Council.**

**F25** . . . . .

Textual Amendments

**F25** [S. 138](#) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, Sch. 11 para. 124, [Sch. 12](#); S.I. 2006/2541, [art. 2](#)

*Transitional provisions and savings*

**139 Transitional provisions and savings.**

Schedule 11 to this Act (which contains transitional provisions and savings relating to this Part) shall have effect.

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