

Status: Point in time view as at 01/02/1991.

Changes to legislation: Environmental Protection Act 1990, Part II is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

TRANSFER SCHEMES AND STAFF OF EXISTING COUNCILS

PART II

TRANSFER SCHEMES: THE COUNTRYSIDE COMMISSION

Making and approval of schemes

- 6 (1) Before such date or dates as the Secretary of State may direct, the Countryside Commission shall make, and submit to the Secretary of State for his approval, their transfer scheme or schemes under section 136 of this Act (in this Part of this Schedule referred to as a “transfer scheme”).
- (2) A transfer scheme shall not take effect unless approved by the Secretary of State, who may modify such a scheme before approving it.
- (3) The Secretary of State may make a transfer scheme himself if—
- (a) he decides not to approve a scheme which has been submitted to him before the due date (with or without modifications); or
 - (b) no scheme is submitted to him for approval before the due date;
- but nothing in this sub-paragraph shall prevent the Secretary of State from approving any scheme which may be submitted to him after the due date.
- (4) A scheme made by the Secretary of State shall be treated for all purposes as having been made by the Countryside Commission and approved by him.

Modification of schemes

- 7 (1) If at any time after a transfer scheme has come into force the Secretary of State considers it appropriate to do so, having consulted the Countryside Council for Wales and the Countryside Commission, he may by order provide that the scheme shall for all purposes be deemed to have come into force with such modifications as may be specified in the order.
- (2) An order under sub-paragraph (1) above may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

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Provision of information to Secretary of State

- 8 It shall be the duty of the Countryside Council for Wales and the Countryside Commission to provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any power conferred on him by paragraphs 6 and 7 above.

Contents of schemes

- 9 (1) A transfer scheme may—
- (a) define the property, rights and liabilities to be allocated to the Countryside Council for Wales by specifying or describing them or by referring to all the property, rights and liabilities comprised in a specified part of the undertaking of the Countryside Commission (or partly in one way and partly in the other);
 - (b) create in favour of the Countryside Commission an interest in or right over property transferred in accordance with the scheme (or any earlier scheme) to the Countryside Council for Wales;
 - (c) require the Countryside Council for Wales to enter into written agreements with, or execute other instruments in favour of, the Countryside Commission;
- and a scheme may make such supplemental, incidental and consequential provision as the Countryside Commission consider appropriate (including provision as to the order in which transfers or transactions are to be regarded as having occurred).
- (2) Paragraph 5 above shall apply to transfer schemes under section 136 of this Act.

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