



# Environment (Wales) Act 2016

2016 anaw 3

## PART 1

### SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

#### *Experimental schemes*

#### **22 Power to suspend statutory requirements for experimental schemes**

- (1) On the application of NRW, the Welsh Ministers may by regulations make provision in relation to Wales—
  - (a) conferring on any person exemption from a statutory requirement for which NRW is responsible;
  - (b) relaxing any such requirement *r* in its application to a person;
  - (c) requiring a person to whom an exemption or relaxation applies to comply with conditions specified in the regulations;
  - (d) modifying an enactment in a way the Welsh Ministers consider necessary for the enforcement of, or in consequence of, any provision made by virtue of paragraphs (a) to (c)?.
- (2) Regulations under subsection (1) may not make provision removing or modifying a function of a Minister of the Crown that was exercisable by a Minister of the Crown before 5 May 2011 unless the Secretary of State consents to the provision.
- (3) Before making provision under subsection (1), the Welsh Ministers—
  - (a) must be satisfied that the provision is necessary to enable an experimental scheme that is likely to contribute to the sustainable management of natural resources to be carried out,
  - (b) must be satisfied that the regulations will not have the overall effect of increasing the regulatory burden on any person, and
  - (c) must consult—
    - (i) persons they think are likely to be affected by provision in the regulations, and

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*Changes to legislation: There are currently no known outstanding effects for the Environment (Wales) Act 2016, Cross Heading: Experimental schemes. (See end of Document for details)*

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- (ii) persons they think are likely to be otherwise affected by the experimental scheme.
- (4) Regulations under subsection (1) have effect during a period specified in the regulations which must not exceed three years.
- (5) But regulations under subsection (1) may, on one occasion only, extend the period for which previous regulations under that subsection have effect by a period of not more than three years from the end of the period specified in the previous regulations.
- (6) Where the only substantive effect of regulations under subsection (1) is to revoke previous regulations under that subsection, the regulations may be made without an application from NRW.
- (7) And subsection (3) does not apply to provisions in regulations under subsection (1) which revoke previous regulations under that subsection (whether or not NRW applies for the revocation).
- (8) Where provision has been made under subsection (1) to enable an experimental scheme to be carried out, NRW must—
  - (a) evaluate the scheme at such time as it considers appropriate, and
  - (b) publish a report setting out the evaluation and describing any action that NRW considers should be taken in light of it.
- (9) For the purposes of this section—
  - (a) a statutory requirement is a requirement imposed by an enactment;
  - (b) NRW is responsible for a statutory requirement if—
    - (i) it is a requirement to comply with a standard set or requirement imposed by NRW,
    - (ii) it is a requirement to obtain a licence or other authorisation from NRW before doing something,
    - (iii) it is a requirement that may be enforced by NRW, or
    - (iv) it is a requirement that applies to NRW and is concerned with the way in which, or the purposes for which, natural resources are managed or used.
- (10) In this section, “experimental scheme” means a scheme carried out under arrangements made by NRW under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

## **23 Power of NRW to conduct experimental schemes etc.**

In the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), for article 10C substitute—

### **“10C Research and experimental schemes**

- (1) The Body may make arrangements for the carrying out (whether by the Body or by other persons) of research and experimental schemes that are relevant to the exercise of its functions.
- (2) The Body may provide support (by financial means or otherwise) for research and experimental schemes that are relevant to the exercise of its functions; and

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paragraphs (2) and (3) of article 10B apply to the giving of financial assistance under this paragraph.

(3) In carrying out activities under this article relating to 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 in so far as they are applicable to the activities.

(4) In this article—

“experimental scheme” (“*cynllun arbrofol*”) means a scheme designed—

(a) to develop or apply new or modified methods, concepts or techniques, or

(b) to develop or test proposals for regulatory change;

“research” (“*ymchwil*”) includes inquiries and investigations.”

**Changes to legislation:**

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