



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

Status: This is the original version (as it was originally enacted).

- (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 \(S.I. 2012/1903\)](#).