

SCHEDULES

SCHEDULE 22

Section 103

REMOVAL OF CONSULTATION REQUIREMENTS

PART 1

MEASURES AFFECTING ENGLAND ONLY

National Parks and Access to the Countryside Act 1949: making of byelaws

- 1 In section 91 of the National Parks and Access to the Countryside Act 1949 (default powers of Secretary of State as to certain byelaws), in the proviso to subsection (1) (beginning with the words “Provided that”)—
- (a) after “natural beauty” insert “in Wales”;
 - (b) omit “Natural England (as regards land or waterways in England) or”;
 - (c) omit “(as regards land or waterways in Wales)”.

Pests Act 1954: designation of rabbit clearance areas

- 2 In section 1 of the Pests Act 1954 (designation of rabbit clearance areas), after subsection (11) insert—
- “(11A) The requirement in subsection (11)(a) does not apply to an order which applies only in relation to England.”

Agriculture and Horticulture Act 1964: grading etc of horticultural produce

- 3 In section 23 of the Agriculture and Horticulture Act 1964 (regulations and orders under Part 3 of that Act), after subsection (1) insert—
- “(1A) Subsection (1) does not apply to regulations which apply, or to an order which applies, only in relation to England.”

Control of Pollution Act 1974: reduction of noise from plant or machinery

- 4 In section 68 of the Control of Pollution Act 1974 (regulations for reducing noise from plant or machinery), after subsection (2) insert—
- “(2A) Subsection (2) does not apply to regulations which apply only in relation to England.”

Agriculture (Miscellaneous Provisions) Act 1976: metrication of measurements

- 5 In section 7 of the Agriculture (Miscellaneous Provisions) Act 1976 (metrication of measurements), after subsection (4) insert—

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“(4A) Subsection (4) does not apply to regulations which make amendments that apply only in relation to England.”

Forestry Act 1979: metrication of measurements

- 6 In section 2 of the Forestry Act 1979 (metrication of measurements), in subsection (4), for the words from “Before” to “the appropriate authority” substitute “Before any such regulations are made by the Welsh Ministers, they”.

Derelict Land Act 1982: grants for reclaiming or improving derelict land etc

- 7 (1) In section 1 of the Derelict Land Act 1982 (powers of Secretary of State to make grants for reclaiming or improving derelict land etc), omit subsection (6A).
- (2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 99.

Horticultural Produce Act 1986: movement of horticultural produce

- 8 In section 3 of the Horticultural Produce Act 1986 (orders to amend that Act in connection with the movement of horticultural produce), after subsection (2) insert—
- “(2A) Subsection (2) does not apply to an order which makes amendments that apply only in relation to England.”

Housing Act 1988: designation of Housing Action Trust Areas

- 9 In section 61 of the Housing Act 1988 (consultation and publicity prior to the designation of a housing action trust area), in subsection (1) (which requires consultation with every local housing authority any part of whose district is to be included in the proposed designated area), after “designation order” insert “in relation to Wales”.

Land Drainage Act 1991: codes of practice

- 10 In section 61E of the Land Drainage Act 1991, after subsection (4) insert—
- “(5) Subsection (4) does not apply to an order which applies only in relation to England.”

Environment Act 1995: National Park grant

- 11 (1) In section 72 of the Environment Act 1995 (National Park grant), in subsection (2)—
- (a) after “National Park authority” insert “in Wales”;
- (b) omit the words from “, according to whether” to “Natural England or”.
- (2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 144.

Environment Act 1995: hedgerows

- 12 In section 97 of the Environment Act 1995 (hedgerows), after subsection (6) insert—

“(6A) Subsection (6)(d) does not apply to regulations which apply only in relation to England.”

Environment Act 1995: environmental subordinate legislation

- 13 Omit section 99 of the Environment Act 1995 (consultation before making or modifying certain subordinate legislation for England).

Local Government Act 1999: keeping of accounts by best value authorities

- 14 (1) In section 23 of the Local Government Act 1999 (regulations about the keeping of accounts by best value authorities), omit subsection (4).
- (2) In consequence of sub-paragraph (1), if that sub-paragraph comes into force before paragraph 123(c) of Schedule 12 to the Local Audit and Accountability Act 2014, in the Public Audit (Wales) Act 2004, in Schedule 1, omit paragraph 14.

Countryside and Rights of Way Act 2000: grants to conservation boards

- 15 (1) In section 91 of the Countryside and Rights of Way Act 2000 (grants to conservation boards), omit subsection (2).
- (2) In consequence of sub-paragraph (1), in the Natural Environment and Rural Communities Act 2006, in Schedule 11, omit paragraph 164(e).

Fire and Rescue Services Act 2004: schemes for combining fire and rescue authorities

- 16 (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) In section 2 (power to create combined fire and rescue authorities), after subsection (6) insert—
- “(6A) The duty to consult under subsection (6) does not apply if—
- (a) the scheme constituted a fire and rescue authority for an area in England, and
 - (b) the variation or revocation has been proposed by the fire and rescue authority.”
- (3) In section 4 (which makes provision for the continuation, variation and revocation of schemes for combining fire authorities under the Fire Services Act 1947), after subsection (5) insert—
- “(5A) The duty to consult under subsection (5) does not apply if—
- (a) the scheme constituted a fire and rescue authority for an area in England, and
 - (b) the variation or revocation has been proposed by the fire and rescue authority.”

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

PART 2

MEASURES AFFECTING ENGLAND AND WALES

Water Industry Act 1991: provision of sewers

- 17 In section 101A of the Water Industry Act 1991 (further duty of sewerage undertaker to provide sewers), in subsection (5), omit the words from the beginning to “and” in the closing words.

Local Government Act 2003: commencement of BID arrangements following appeal

- 18 In section 53 of the Local Government Act 2003 (commencement of BID arrangements), omit subsection (7).