
STATUTORY INSTRUMENTS

1995 No. 2950 (C.65)

COUNTRYSIDE

**The Environment Act 1995 (Commencement
No. 4 and Saving Provisions) Order 1995**

Made - - - - 16th November 1995

The Secretary of State, in exercise of his powers under section 125(3) and (4) of the Environment Act 1995(1), hereby makes the following Order:—

Citation and Interpretation

1.—(1) This Order may be cited as the Environment Act 1995 (Commencement No. 4 and Saving Provisions) Order 1995.

(2) In this Order—

“the 1995 Act” means the Environment Act 1995.

Provisions coming into force on 23rd November 1995

2.—(1) Subject to paragraph (2), the following provisions of the 1995 Act shall come into force on the 23rd November 1995—

Section 78 insofar as it relates to paragraphs 1, 2 (except sub-paragraphs (2) and (9)(b)), 3 to 7, 8(2), 9, 10(1) and (3), 11, 12, 14, 15, 17 to 19, 21, 23 to 26, 28 to 31(2), 32(1) to (13) and (15) to (18), 33(1) to (5), 34, 35 (insofar as it adds to section 35(5) of the Local Government Finance Act 1992(3) (definition of “special items”) the words “or (c) a National park authority in relation to a National Park in Wales”), 36, 37 and 38(1) of Schedule 10;

(2) The commencement of sub-paragraph (2) of paragraph 32 of Schedule 10 to the 1995 Act shall not affect the constitution of a united district for a National Park (or any area which by virtue

(1) 1995 c. 25.

(2) Paragraph 30 of Schedule 10 amends paragraph 2(6) of Schedule 8 to the Electricity Act 1989 (c. 29) (definition of “relevant planning authority” for the purposes of consents under that Act of 1989). Amendment to the a said paragraph 2(6) of Schedule 8 is also made by paragraph 22 of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19) (referred to in sub-paragraph (2) of the said paragraph 30 as “the 1994 amendment”). The 1994 amendment has not yet been brought into force. Consequently, sub-paragraph (3) of the said paragraph 30 applies and not sub-paragraph (4) or (5) thereof. The said paragraph 2(6) of Schedule 8 to the 1989 Act was also amended by the Planning (Consequential Provisions) Act 1990 (c. 10) Schedule 2 paragraph 83(1).

(3) 1992 c. 14. Section 35(5) of the Act of 1992 was inserted by Schedule 12 paragraph 6 to the Local Government (Wales) Act 1994.

of paragraph 3 of Schedule 17 to the Local Government Act 1972⁽⁴⁾ is treated as a united district) where such a district is in being immediately before the commencement of the said sub-paragraph; and such a district shall continue to be constituted until such time as is provided for in an order under section 63 of the 1995 Act (establishment of National Park authorities) or section 2 of the Town and Country Planning Act 1990⁽⁵⁾ (joint planning boards) or Part I of Schedule 17 to the Local Government Act 1972 (discharge of planning and countryside functions in National Parks).

Provisions coming into force on 1st April 1996

3.—(1) Subject to paragraph (2), the following provisions of the 1995 Act shall come into force on 1st April 1996—

Section 78 insofar as it relates to paragraphs 2(2) and (9)(b), 8(1), and (3), 13, 16, 20 and 22(3), (4)(a) and (b) and (5) of Schedule 10;

Section 115(1) insofar as it relates to the other provisions of section 115 brought into force by this article;

Section 115(2) insofar as it relates to Part III of the 1995 Act;

Section 115(3), (4) and (6) insofar as it relates to the provisions of section 115(2) brought into force by this article.

(2) The provisions of sections 42 and 51(2)(c) of the Wildlife and Countryside Act 1981⁽⁶⁾ as in force immediately before the commencement of paragraph 22(3) and (5) of Schedule 10 to the 1995 Act shall continue to have effect in relation to any National Park ⁽⁷⁾ for which the local planning authority is not a National Park authority established by order under section 63 of the 1995 Act.

Signed by authority of the Secretary of State for Wales

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

16th November 1995

(4) 1972 c. 70.

(5) 1990 c. 8.

(6) 1981 c. 69. Sections 42 and 51(2)(c) of the Act of 1981 were amended by Schedule 3 paragraph 7(4) to the Local Government Act 1985 (c. 51).

(7) For the meaning of National Park, see section 5(3) of the National Parks and Access to the Countryside Act 1949 (c. 97).

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force on 23 November 1995 the following provisions of the Environment Act 1995—

Section 78 (Minor and Consequential Amendments relating to National Parks) insofar as it relates to paragraphs 1, 2 (except sub-paragraphs (2) and (9)(b)), 3 to 7, 8(2), 9, 10(1) and (3), 11, 12, 14, 15, 17 to 19, 21, 23 to 26, 28 to 31, 32(1) to (13) and (15) to (18), 33(1) to (5), 34, 35 (partially), 36, 37 and 38(1) of Schedule 10.

Article 2 also makes a saving provision with regard to the commencement of paragraph 32(2) of Schedule 10 to the Environment Act 1995. This inserts a new section 2(1D) into the Town and Country Planning Act 1990. This prevents a united district for a joint planning board being constituted for a National Park for which a National Park authority is established. The saving provision provides for any such united district which is already constituted at the time that the new section 2(1D) comes into force to continue in being until such time as is provided for in an order made under either section 63 of the 1995 Act or under section 2 of that Act of 1990 or under Part I of Schedule 17 to the Local Government Act 1972. The saving provision will apply to the Peak Park and Lake District and, when a National Park authority for their respective National Parks is established, it will enable their respective planning boards to continue in being until that National Park authority becomes the local planning authority for that Park.

Article 3 of this Order brings into force on 1st April 1996 the following provisions of the Environment Act 1995—

Section 78 (Minor and Consequential Amendments relating to National Parks) insofar as it relates to paragraphs 2(2) and (9)(b), 8(1) and (3), 13, 16, 20 and 22(3) and (5) of Schedule 10; Section 115(1) (Application of the Environment Act 1995 to the Crown) insofar as it relates to the other provisions of section 115 brought into force by this article;

Section 115(2) (Part III and other provisions of the Environment Act 1995 to apply to the Crown to the extent that the enactments to which they relate bind the Crown) insofar as it relates to Part III of the Environment Act 1995.

Section 115(3), (4) and (6) insofar as they relate to the provisions of section 115(2) brought into force by article 3.

Article 3 also makes saving provision in connection with certain of the provisions brought into force, by that article.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 have been brought or, as the case may be, are to be brought into force by commencement order made before the date of this Order:—

Provision	Date of Commencement	S.I. No.
Section 1	28.7.1995	1995/1983
Section 3(2) to (8)	28.7.1995	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Provision	Date of Commencement	S.I. No.
Section 4	28.7.1995	
Section 7	28.7.1995	
Section 9	28.7.1995	
Section 12	28.7.1995	
Section 20	12.10.1995	1995/2649
Section 21	12.10.1995	
Section 22	12.10.1995	
Section 23	12.10.1995	
Section 30	12.10.1995	
Section 31	12.10.1995	
Section 32	12.10.1995	
Section 36	12.10.1995	
Section 37(1), (2) and (9)	28.7.1995	1995/1983
Sections 38 to 40	28.7.1995	
Section 41 (partially)	21.9.1995	
Section 42	21.9.1995	
Sections 43 to 52	28.7.1995	
Section 56	28.7.1995	
Section 57 (partially)	21.9.1995	
Section 58 (partially)	21.9.1995	
Section 59 (partially)	12.10.1995	1995/2649
Sections 93 to 95	21.9.1995	1995/1983
Section 96(1), (4) to (6) (partially)	1.11.1995	1995/2765
Section 96(2)	1.11.1995	
Sections 97 to 103	21.9.1995	1995/1983
Section 105 (partially) and paragraphs 25 and 26(1) of Schedule 15	21.9.1995	
Section 105 (partially) and paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15	1.1.1999	
Section 116 (partially) and paragraph 2(1) to (3) of Schedule 21	21.9.1995	

Provision	Date of Commencement	S.I. No.
Section 120(1) (partially) and paragraphs 4, 31, 42, 213(1), (2)(b) and (3) and 223(1)(c) of Schedule 22	28.7.1995	
Section 120(1) (partially) and paragraphs 15, 29(1) and (22) (partially), 51(1) to (3) and (5) and 53 of Schedule 22	12.10.1995	1995/2649
Section 120(1) (partially) and paragraphs 37(1) and (4), 38, 39, 76(1) and (3), 80(1) and (2), 82(1) and (5) (partially), 133(1), 137 to 139, 147, 153, 162 (partially) 182, 187(1) and 192 of Schedule 22	21.9.1995	1995/1983
Section 120(2) (partially) and paragraph 14(5), (6) and (8) (partially) of Schedule 23	1.1.1999	
Section 120(3) (partially) and the repeals in Schedule 24 in relation to sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991 ⁽⁸⁾	21.9.1995	
Section 120(3) (partially) and the repeal in Schedule 24 in relation to section 105 of the Town and Country Planning Act 1990	1.11.1995	1995/2765
Section 120(3) (partially) and the repeals in Schedule 24 in relation to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975 ⁽⁹⁾	1.1.1999	1995/1983
Section 120(4) to (6)	28.7.1995	
Sections 121 to 124	28.7.1995	
Schedules 13 and 14 (so far as they apply in relation to England and Wales)	1.11.1995	1995/2765

⁽⁸⁾ 1991 c. 57.⁽⁹⁾ 1975 c. 51.