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Changes to legislation: Environmental Protection Act 1990, SCHEDULE 8 is up to date with all changes known to be in force on or before 22 May 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 8

Section 130.

AMENDMENT OF ENACTMENTS RELATING TO COUNTRYSIDE MATTERS

National Parks and Access to the Countryside Act 1949 (c. 97)

- 1 (1) The National Parks and Access to the Countryside Act 1949 shall be amended as follows.
- (2) For section 1 (the Countryside Commission) there shall be substituted the following section—

“1 The Countryside Commission and the Countryside Council for Wales.

- (1) There shall be a Countryside Commission which shall exercise functions in relation to England for the purposes specified in subsection (2) below; and the Countryside Council for Wales (established by section 128 of the Environmental Protection Act 1990) shall exercise corresponding functions in relation to Wales for the corresponding purposes specified in section 130(2) of the Environmental Protection Act 1990.
- (2) The purposes for which the functions of the Commission are exercisable are—
- (a) the preservation and enhancement of natural beauty in England, both in the areas designated under this Act as National Parks or as areas of outstanding natural beauty and elsewhere;
 - (b) encouraging the provision or improvement, for persons resorting to National Parks, of facilities for the enjoyment thereof and for the enjoyment of the opportunities for open-air recreation and the study of nature afforded thereby.”
- (3) In section 3 (power of Minister to give directions), in subsection (1) after the word “Commission” in the first place it occurs there shall be inserted the words “or to the Council” and after that word in the second place it occurs there shall be inserted the words “or Council”.
- (4) Before section 5 (National Parks) there shall be inserted the following section—

“4A Application of Part II of this Act in Wales.

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the Countryside Commission as respects England (or areas of any description in

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England), the Countryside Council for Wales shall have the corresponding function as respects Wales (or areas of a similar description in Wales).”

- (5) In sections 5(2) and 6(1) the words “and Wales” shall be omitted.
- (6) Before section 51 (long-distance routes) there shall be inserted the following section—

“50A Application of Part IV of this Act in Wales.

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the Countryside Commission as respects England (or land of any description in England), the Countryside Council for Wales shall have the corresponding function as respects Wales (or land of a similar description in Wales).”
- (7) In section 51(1) the words “or Wales” shall be omitted.
- (8) In sections 62(1) and 64(5) (consultation requirements as to land in National Parks), after the word “Commission” there shall be inserted the words “(where the Park is in England) or the Council (where the Park is in Wales)”.
- (9) In section 65 (access orders), in subsection (5), after the word “Park” in both places in which it occurs, there shall be inserted the words “in England” and after that subsection there shall be inserted the following subsection—
- “(5A) The preceding subsection shall apply in relation to National Parks in Wales, and the Council, as it applies in relation to National Parks in England, and the Commission.”
- (10) In section 85 (general advisory duties)—
- (a) for the words “the duties of the Commission” there shall be substituted the words “their respective duties”;
 - (b) after the word “Commission”, in the second place in which it occurs, there shall be inserted the words “and the Council”;
 - (c) in paragraph (b), after the word “Commission” there shall be inserted the words “, or, as the case may be, to the Minister and to the Council,”; and
 - (d) in paragraph (c), after the word “Commission” there shall be inserted the words “(as respects England) or to the Council (as respects Wales)”.
- (11) After section 86 (information services provided by Commission regarding National Parks) there shall be inserted the following section—

“86A Information services to be provided by Council.

The provisions of section eighty-six of this Act shall apply to the Council in relation to National Parks and other land in Wales as they apply to the Commission in relation to National Parks and other land in England.”

- (12) In section 87 (designation of areas of outstanding natural beauty)—
- (a) in subsection (1), after the word “Commission” there shall be inserted the words “, or as the case may be, the Council,”;
 - (b) after that subsection there shall be inserted the following subsection—

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“(1A) The following provisions shall apply to the Council in relation to land in Wales as they apply to the Commission in relation to land in England.”

^{F1}(13)

(14) In section 90(4) (consultation before making certain byelaws) after the word “Commission” there shall be inserted the words “(as regards land in England) or the Council (as regards land in Wales)”.

(15) In section 91(1) (consultation before making certain byelaws) after the word “Commission” there shall be inserted the words “(as regards land or waterways in England) or the Council (as regards land or waterways in Wales)”.

(16) In section 114 (interpretation), after the definition of “area of outstanding natural beauty” there shall be inserted the following definitions—

““the Commission” means the Commission established by section one of this Act;

“the Council” means the Countryside Council for Wales;”.

(17) In the first Schedule (procedure for certain orders), in paragraph 2(5), after the word “Commission” where it first appears there shall be inserted the words “, the Council” and after that word in the second place it appears there shall be inserted the word “, Council”.

Textual Amendments

F1 Sch. 8 para. 1(13) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch.24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2,Sch.

The Countryside Act 1968 (c. 41)

2 (1) The Countryside Act 1968 shall be amended as follows.

(2) In section 1 (additional general functions)—

(a) for subsection (1) there shall be substituted the following subsections—

“(1) The National Parks Commission shall in future be known as the “Countryside Commission” and shall exercise functions in relation to England.

(1A) The functions of the Countryside Commission (in this Act referred to as “the Commission”) in England and the corresponding functions of the Countryside Council for Wales (in this Act referred to as “the Council”) in Wales shall be enlarged in accordance with this Act.”;

(b) in subsection (2)—

(i) after the word “recreation” there shall be inserted the words “ and the study of nature ”; and

(ii) at the end, there shall be inserted the words “ ; and the purposes for which the functions of the Council in Wales are to be exercised

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are the corresponding purposes specified in section 130(2) of the Environmental Protection Act 1990.”;

- (c) in subsection (3) for the word “shall” there shall be substituted the words “and the Council shall each”.

(3) In section 2 (new functions)—

- (a) in subsection (1), for the word “shall” where it first appears there shall be substituted the words “and the Council shall each” and after the word “Commission” in the second and third place it appears there shall be inserted the words “or Council”;
- (b) in subsections (2) and (3), after the word “Commission” where it first appears there shall be inserted the words “and the Council” and after that word in the second place it appears there shall be inserted the words “or Council”;
- (c) in subsection (4), after the word “Commission” where it first appears there shall be inserted the words “and the Council” and after that word in the second and third place it appears there shall be inserted the words “or Council”;
- (d) in subsection (5), after the word “Commission” where it first appears there shall be inserted the words “or to the Council” and after that word in the second place it appears there shall be inserted the words “or , as the case may be, the Council”;
- (e) in subsection (5)(b), after the word “Commission” in each place it appears there shall be inserted the words “or Council”;
- (f) in subsection (6) after the word “Commission” there shall be inserted the words “and the Council”;
- (g) in subsections (7), (8) and (9), after the word “Commission” where it first appears there shall be inserted the words “and the Council” and after that word in the second place it appears there shall be inserted the words “or Council”.

(4) In section 4 (experimental projects or schemes)—

- (a) in subsection (1), after the word “Commission” where it first appears there shall be inserted the words “and the Council” and after that word in the second place it appears there shall be inserted the words “or Council”;
- (b) in subsection (3) after the word “Commission” there shall be inserted the words “or, as the case may be, the Council”;
- (c) in subsection (4) after the word “Commission” there shall be inserted the words “or Council”;
- (d) in subsection (5) after the word “Commission” where it first appears there shall be inserted the words “or by the Council” and after that word in the second place it appears there shall be inserted the words “or Council”;
- (e) in subsection (6), after the word “Commission” where it first appears there shall be inserted the words “or of the Council” and after that word in the second place it appears there shall be inserted the words “or Council”.

(5) In section 8 (sailing, boating and fishing in country parks), in subsection (5) after the word “Commission” there shall be inserted the words “(if the works are in England) or the Council (if the works are in Wales)”.

(6) In section 12 (facilities in or near National Parks)—

- (a) in subsection (1) after the word “Commission” where it first appears there shall be inserted the words “or, as the case may be, the Council” and after

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- that word in the second place it appears there shall be inserted the words “ or the Council ”;
- (b) in subsection (5) after the word “Commission” there shall be inserted the words “ (if the National Park is in England) or the Council (if the National Park is in Wales) ”.
- (7) In section 13 (control of boats etc. in National Parks) in subsection (4), after the word “Commission” there shall be inserted the words “ (if the National Park is in England) or the Council (if the National Park is in Wales) ”.
- (8) In section 23 (provision of facilities by Forestry Commissioners), in subsection (5) for the word “shall” there shall be inserted the words “ and the Countryside Council for Wales shall each ”.
- (9) In section 38 (avoidance of pollution) after the words “the Commission” there shall be inserted the words “ , the Council ”.
- (10) In section 41 (byelaws etc.)—
- (a) in subsection (2), for the word “may” there shall be substituted the words “ and the Council may each ”;
- (b) in subsection (5), after the word “Commission” there shall be inserted the words “ (as respects a park or area in England) or the Council (as respects a park or area in Wales) ”;
- (c) in subsection (8), for the words “were a local authority” there shall be substituted the words “ and the Council were local authorities ”;
- (d) in subsection (9), for the words “or the Commission” there shall be substituted the words “ , the Commission or the Council ”.
- (11) In section 45 (agreements with landowners), in subsection (1) after the word “Commission” there shall be inserted the words “ , the Council ”.
- (12) In section 46 (application of general provisions of 1949 Act), in subsection (2), at the end there shall be inserted “ and any reference to the Nature Conservancy Council, so far as referring to the Countryside Council for Wales for purposes connected with their nature conservation functions (within the meaning of section 131 of the Environmental Protection Act 1990) shall include a reference to that Council for purposes connected with their countryside functions (whether conferred by this Act, the Act of 1949 or otherwise.) ”.
- (13) In section 49 (interpretation), after the definition of “bridleway” there shall be inserted the following definitions—
- ““the Commission” means the Countryside Commission;
- “the Council” means the Countryside Council for Wales;”.

Local Government Act 1972 (c.70)

F23

Textual Amendments

F2 Sch. 8 para. 3 repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch.24 (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2,Sch.

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Local Government Act 1974 (c.7)

- 4 ^{F3} . . . in section 9 of that Act ^{X1} (grants and loans by the Countryside Commission)—
- (a) in subsection (1), for the word “may” there shall be substituted the words “ and the Countryside Council for Wales may each ” and after the word “Commission” in the second place it appears there shall be inserted the words “ or, as the case may be, the Council ”;
 - (b) in subsection (2), after the word “Commission” there shall be inserted the words “ or the Countryside Council for Wales ”;
 - (c) in subsection (3), for the words “Countryside Commission’s power” there shall be substituted the words “ the power of the Countryside Commission and of the Countryside Council for Wales ” and after the word “Commission” in the second place it appears there shall be inserted the words “ or to the Council ”.

Editorial Information

X1 In Sch. 8 para. 4 'that Act' is a reference to the Local Government Act 1974

Textual Amendments

F3 Words in [Sch. 8 para. 4](#) repealed (1.4.1997) by [1995 c. 25](#), s. 120(3), Sch.24 (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), [art. 2](#), Sch.

Highways Act 1980 (c. 66)

- 5 (1) The Highways Act 1980 shall be amended as follows.
- (2) In section 105A (environmental assessment for highway projects) in subsection (6)
 - (a), after the word “land” there shall be inserted the words “ in England ” and, at the end, there shall be inserted the words “ or the Countryside Council for Wales, if it relates to land in Wales falling within that paragraph of that subsection ”.
 - (3) In section 120 (orders for extinguishment or diversion of public paths), in subsection (2)(c), at the end there shall be inserted the words “ (if the National Park is in England) or the Countryside Council for Wales (if the National Park is in Wales) ”.

Wildlife and Countryside Act 1981 (c. 69)

- 6 (1) The Wildlife and Countryside Act 1981 shall be amended as follows.
- (2) In section 34 (limestone pavement orders), in subsection (6) in the definition of “the Commission”, the words “and Wales” shall be omitted.
 - (3) In section 43 (maps of National Parks showing certain areas of moor or heath), in subsection (1A) the words “by the Countryside Commission” shall be omitted and—
 - (a) in subsection (1B) for the word “shall” there shall be substituted the words “ and the Countryside Council for Wales shall each ” and for the word “may” there shall be substituted “ the Commission and the Council may each ”;
 - (b) in subsection (1C), after the word “Commission” there shall be inserted the words “ or, as the case may be, the Council ”.

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(4) Section 45 (power to vary orders designating National Parks) shall be subsection (1) of that section and, in that subsection, after the word “Park” in the first place it appears there shall be inserted the words “ in England ”; and at the end there shall be inserted, as subsection (2) of that section, the following words—

“(2) Subsection (1) shall apply to the Countryside Council for Wales, in relation to any National Park in Wales, as it applies to the Countryside Commission in relation to any National Park in England.”

(5) In section 47(2) (power of Secretary of State to give grants) after the word “Commission” there shall be inserted the words “ or to the Countryside Council for Wales ”.

(6) In section 49 (extension of power to appoint wardens), in subsection (1)(b), after the word “authority” in the second place it appears there shall be inserted the words “ , the Countryside Council for Wales. ” and, in subsection (4), after the word “Commission” in both places it appears there shall be inserted the words “ or the Countryside Council for Wales ”.

The Road Traffic Regulation Act 1984 (c.27)

7 In section 22 of the Road Traffic Regulation Act 1984 (traffic regulation orders in special areas), in subsection (1)(a)(iv), after the word “Commission” there shall be inserted the words “ or the Countryside Council for Wales ”^{F4} . . .

Textual Amendments

F4 Words in Sch. 8 para. 7 repealed (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59\)](#), s. 168(2), [Sch.9](#); for Scotland [S.I.1991/2286](#), art. 2(2), [Sch.2](#) and for England and Wales [S.I. 1991/2288](#), [art. 3](#),Sch.

The Water Act 1989 (c. 15)

^{F5g}

Textual Amendments

F5 [Sch. 8 para. 8](#) repealed (1. 12. 1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 3(1), 4(2), [Sch. 3](#) (with [Sch. 2 para. 10, 14\(1\), 15](#))

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