

## SCHEDULES

### SCHEDULE 3

#### FUNCTIONS RELATING TO FISHERIES, WATER RESOURCES, WATER SUPPLY AND LAND DRAINAGE

##### *The Opencast Coal Act 1958 (c.69)*

1. The functions under section 39 of the Opencast Coal Act 1958 which are exercisable in relation to Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to the Secretary of State for Wales.

##### *The Water Resources Act 1963 (c.38)*

2.—(1) A reference in this paragraph to a section or a Schedule is a reference to that section of or that Schedule to the Water Resources Act 1963.

(2) The functions under sections 65, 70 and 107 which are exercisable by the Minister of Agriculture, Fisheries and Food alone are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(3) Subject to sub-paragraph (6) below, the functions under sections 65, 70, 82(1)(c) to (e), 106, 107 and 108 and paragraph 17 of Schedule 7 (in relation to a case falling within paragraph 16(b) of Schedule 7) which are exercisable by the Minister of Agriculture, Fisheries and Food jointly with one or more other Ministers and, where the functions are exercisable under section 107, are exercisable in relation to the transferred functions (within the meaning of that section),—

- (a) so far as they are exercisable in relation to the Welsh National Water Development Authority, are hereby transferred to the Secretary of State;
- (b) so far as they are exercisable in relation to the Severn-Trent Water Authority, are hereby transferred to the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly.

(4) The functions under section 82(1)(a) and (b) of the Ministers (within the meaning of subsection (9) of that section)—

- (a) so far as they are exercisable in relation to an application by the Welsh National Water Development Authority for an order relating to a navigation authority, are hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment jointly;
- (b) so far as they are exercisable in relation to an application by that Authority for an order relating to a conservancy authority or harbour authority, are hereby transferred to the Secretary of State for Wales and the Secretary of State for Transport jointly;
- (c) so far as they are exercisable in relation to an application by the Severn-Trent Water Authority for an order relating to a navigation authority, are hereby transferred to the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food jointly;

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(d) in the case of an application by that Authority for an order relating to a conservancy authority or harbour authority are hereby transferred to the Secretary of State for Transport and the Minister of Agriculture, Fisheries and Food jointly.

(5) The functions under section 105 which are exercisable by the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food jointly are hereby transferred to those Ministers and the Secretary of State for Wales jointly.

(6) The functions under section 106 which are exercisable by the Secretary of State for the Environment, the Secretary of State for Transport and the Minister of Agriculture, Fisheries and Food jointly are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for Wales, the Secretary of State for Transport and the Secretary of State for the Environment jointly.

(7) It is hereby directed that the functions under section 109 which are exercisable by the Secretary of State for the Environment and the Secretary of State for Wales jointly shall be exercisable by the Secretary of State for the Environment concurrently with the Secretary of State for Wales (but without prejudice to the power conferred by section 109 on those Ministers to act jointly with or without any other Minister).

(8) The functions under Schedule 7 which by virtue of paragraph 17 of that Schedule are in relation to a case falling within paragraph 16(c)(ii) exercisable by the Secretary of State for the Environment and the Secretary of State for Trade are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for Wales jointly with the Secretary of State for the Environment and with the Board of Trade or the Secretary of State for Trade.

*The General Rate Act 1967 (c.9)*

3. The functions under section 76(2) of the General Rate Act 1967 which by virtue of section 79(2) of the Land Drainage Act 1976 (c.70) are exercisable by the Minister of Agriculture, Fisheries and Food are so far as they are exercisable in relation to Wales hereby transferred to the Secretary of State.

*The Town and Country Planning Act 1971 (c.78)*

4. The functions under sections 232 to 238 of the Town and Country Planning Act 1971 as applied and modified by section 13 of the Opencast Coal Act 1958 (c.69) which are exercisable in relation to Wales by the Minister of Agriculture, Fisheries and Food are hereby transferred to the Secretary of State for Wales.

*The Water Act 1973 (c.37)*

5.—(1) The functions under section 1(1) of the Water Act 1973 of the Secretary of State and the Minister of Agriculture, Fisheries and Food are hereby transferred to the Minister, the Secretary of State for the Environment and the Secretary of State for Wales jointly.

(2) The functions under section 2(4), 5(1) and 24(5), (6), (11) and (12) of, paragraphs 11, 32, 38, 40 and 41 of Schedule 3, paragraph 15 of Schedule 6 and Schedule 7 to, that Act which are exercisable by the Minister of Agriculture, Fisheries and Food alone or jointly with the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(3) The function of the Minister of Agriculture, Fisheries and Food and the Secretary of State under section 2(5) of that Act of changing the name of the Welsh National Water Development Authority is hereby transferred to the Secretary of State.

(4) The functions under sections 2(5) and 8(3) of that Act (except that to which sub-paragraph (3) above applies) which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly are so far as they are exercisable in relation to the Welsh National Water Development Authority hereby transferred to the Secretary of State for the Environment, the Secretary of State for Wales and the Minister jointly.

(5) The functions under sections 29, 30 and 31 of that Act which by virtue of section 62 of the Land Drainage Act 1976 (c.70) are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State are so far as they are exercisable in relation to the Welsh National Water Development Authority hereby transferred to the Secretary of State.

(6) The functions of the Minister of Agriculture, Fisheries and Food under paragraph 4 of Schedule 2 to that Act are, so far as they are exercisable in relation to the area of the Welsh National Water Development Authority or of the Severn-Trent Water Authority, hereby transferred to that Minister and the Secretary of State jointly.

*The Salmon and Freshwater Fisheries Act 1975 (c.51)*

6.—(1) The functions under the Salmon and Freshwater Fisheries Act 1975 which are exercisable by the Minister of Agriculture, Fisheries and Food alone or jointly with the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority or land or waters in the area of that Authority, hereby transferred to the Secretary of State.

(2) The functions under that Act which are exercisable by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly are, so far as they are exercisable in relation to the Severn-Trent Water Authority or land or waters in the area of that Authority, hereby transferred to the Minister.

*The Land Drainage Act 1976 (c.70)*

7.—(1) A reference in this paragraph to a section or a Schedule is a reference to that section of or that Schedule to the Land Drainage Act 1976, and in this paragraph “the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The functions of the Minister under sections 2, 3 and 4 relating to the regional land drainage committee of the Welsh National Water Development Authority and to local land drainage schemes, districts and committees for the area of that Authority are hereby transferred to the Secretary of State.

(3) The functions under sections 20, 25, 29, 36, 43, 78, 90, 91, 92, 93 and 98(1) and (2) which are exercisable in relation to Wales by the Minister are hereby transferred to the Secretary of State.

(4) The functions of the Minister under sections 7(3), 11 to 16, 23(4) and (5), 26, 27, 37, 38, 68, 69, 75, 77, 81(4) and 84 to 87, Part I of Schedule 2 and Schedule 4—

(a) which are exercisable in relation to internal drainage districts wholly in Wales or their boards are hereby transferred to the Secretary of State;

(b) which are exercisable in relation to internal drainage districts partly in Wales or their boards are hereby transferred to the Minister and the Secretary of State jointly.

(5) The functions of the Minister which are exercisable in relation to the Welsh National Water Development Authority under sections 8(2), 9, 10, 23(4) and (5), 26, 27, 31, 46, 49, 50, 51, 53, 60 and 69, paragraph 4 of Schedule 1 and Schedule 4 are hereby transferred to the Secretary of State.

(6) The functions under section 23(2) which are exercisable by the Minister and the Secretary of State are, so far as they are exercisable in relation to the Welsh National Water Development Authority or internal drainage boards for districts wholly in Wales, hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment or, if a conservancy

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authority is concerned, the Secretary of State for Transport, and, so far as these functions are exercisable in relation to internal drainage boards for districts partly in Wales, they are hereby transferred to the Secretary of State for Wales, the Minister and the Secretary of State for the Environment or, if a conservancy authority is concerned, the Secretary of State for Transport.

(7) The functions under section 62(1), (4) and (5) which are exercisable by the Minister alone or jointly with the Secretary of State are so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State for the Environment and the Secretary of State for Wales jointly.

(8) The functions of the Minister under section 94—

- (a) which are exercisable in relation to employees of relevant authorities (within the meaning of section 94) wholly in Wales, are hereby transferred to the Secretary of State;
- (b) which are exercisable in relation to employees of such authorities which are partly in Wales, are hereby transferred to the Minister and the Secretary of State jointly.

(9) The functions of the Minister under sections 95 and 96 are, so far as they relate to functions which are transferred by this Order to a Secretary of State or to Ministers jointly, hereby transferred to the Secretary of State or to the Ministers jointly as the case may be.

(10) The functions under section 98(12) which are exercisable in relation to Wales by the Minister and the Secretary of State jointly are hereby transferred to the Secretary of State for Wales and the Secretary of State for the Environment jointly.

(11) The functions under paragraph 10 of Schedule 1 which are exercisable by the Minister and the Secretary of State jointly are, so far as they are exercisable in relation to the Welsh National Water Development Authority, hereby transferred to the Secretary of State.

(12) The functions of the Minister under paragraph 1 of Schedule 3 are hereby transferred to the Minister and the Secretary of State jointly.

(13) The functions under Part I of Schedule 2 which are exercisable in relation to internal drainage boards for districts wholly in Wales by the Minister and the Secretary of State jointly are hereby transferred to the Secretary of State.