
EXPLANATORY NOTE

(This note is not part of the Order)

The Natural Resources Body for Wales (Establishment) Order 2012 (“the Establishment Order”) established a new statutory body, the Natural Resources Body for Wales (“the Body”) and provided for its purpose, membership, procedure, financial governance and initial functions. This Order makes further provision about the Body, including provision about the modification and transfer of environmental functions to the Body.

Article 3 introduces Schedule 1, which contains amendments to the Establishment Order relating to the general functions of the Body. The amendments made by paragraphs 4 and 7 place duties on the Body relating to nature conservation, access and recreation and cooperation. The amendments made by paragraphs 9 to 11 confer on the Body powers to enter into agreements with local authorities and public bodies, provide advice or assistance (including financial assistance) to others, undertake or commission research and institute criminal proceedings in England and Wales.

Paragraphs 12 and 13 of Schedule 1 amend the provisions of the Establishment Order relating to directions to the Body by the Welsh Ministers or the Secretary of State. Paragraphs 14 to 17 amend the financial provisions of the Establishment Order and give the Body a power to charge for work. Paragraph 18 inserts a new Part 4 of the Establishment Order which requires the Body to adopt a scheme for the publication of information about permitting decisions, and to notify the Welsh Ministers of certain permit applications.

Article 4(1) introduces Schedules 2 and 3, which amend specified primary legislation, by omitting references to the Countryside Council for Wales (“the CCW”), substituting references to the Body for existing references to the Forestry Commissioners, the CCW, the Environment Agency or the Welsh Ministers, and substituting references to the Welsh Ministers for certain references to the Forestry Commissioners. Article 4(2) introduces Schedules 4, 5 and 6, which amend specified subordinate legislation in the same manner. Schedules 2 to 6 also contain consequential, supplementary and incidental provisions.

The general effect of these amendments is that Welsh devolved functions of the Environment Agency and the Forestry Commissioners, and nearly all the functions of the CCW, are modified and transferred to the Body. Certain licensing functions of the Welsh Ministers relating to the environment are also transferred to the Body. Powers of the Forestry Commissioners to make subordinate legislation in relation to Wales are transferred to the Welsh Ministers.

Articles 5 to 7 provide that certain references in local enactments to the CCW, the Forestry Commissioners and the Environment Agency are to be read as references to the Body.

Article 8 abolishes the CCW and makes related repeals. Article 9 abolishes the Environment Protection Advisory Committee established for Wales pursuant to section 12(6) of the Environment Act 1995 and the regional and local fisheries advisory committee established for Wales pursuant to section 13(5) of that Act, and makes related repeals.

Article 10 introduces Schedule 7, which contains transitional and savings provisions.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this instrument. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this instrument.