

Draft Order laid before the National Assembly for Wales under section 19 of the Public Bodies Act 2011, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2012 No. (W.)

PUBLIC BODIES

**ENVIRONMENTAL
PROTECTION**

FORESTRY

COUNTRYSIDE

The Natural Resources Body for
Wales (Functions) Order 2012

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 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.

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**ENVIRONMENTAL
PROTECTION**

FORESTRY

COUNTRYSIDE

The Natural Resources Body for
Wales (Functions) Order 2012

Made

Coming into force

1 April 2013

The Welsh Ministers make this Order in exercise of the powers conferred by sections 13, 14, 15 and 35 of the Public Bodies Act 2011(1) (“the Act”).

In accordance with section 16 of the Act, the Welsh Ministers consider that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 16 of the Act; and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The consent of the Secretary of State and the Minister has been obtained in accordance with section 17 of the Act.

(1) 2011 c. 24.

The Welsh Ministers have carried out consultation in accordance with section 18 of the Act.

A draft of this Order, and an explanatory document containing the information required by section 19(2) of the Act, have been laid before the National Assembly for Wales in accordance with section 19(1) after the end of the period of twelve weeks mentioned in section 19(3).

In accordance with section 19(4) of the Act, the draft of this Order has been approved by a resolution of the National Assembly for Wales after the expiry of the 40-day period referred to in that provision.

Title, commencement and extent

1.—(1) The title of this Order is the Natural Resources Body for Wales (Functions) Order 2012.

(2) This Order comes into force on 1 April 2013.

(3) An amendment, repeal or revocation made by this Order has the same extent as the provision to which it relates.

Interpretation

2. In this Order—

“the 1990 Act” (“*Deddf 1990*”) means the Environmental Protection Act 1990(1);

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995(2);

“the Body” (“*y Corff*”) means the Natural Resources Body for Wales;

“the Establishment Order” (“*y Gorchymyn Sefydlu*”) means the Natural Resources Body for Wales (Establishment) Order 2012(3).

General functions of the Natural Resources Body for Wales

3. Schedule 1 contains amendments to the Establishment Order.

Modification and transfer of functions, consequential and other provisions

4.—(1) Schedules 2 and 3 contain amendments to primary legislation which—

(a) modify and transfer to the Body Welsh devolved functions of the Environment Agency;

(1) 1990 c. 43.

(2) 1995 c. 25.

(3) S.I. 2012/1903 (W. 230).

- (b) modify and transfer to the Body and the Welsh Ministers Welsh devolved functions of the Forestry Commissioners;
- (c) modify and transfer to the Body functions of the CCW;
- (d) transfer to the Body functions of the Welsh Ministers relating to the environment; and
- (e) make consequential, supplementary and incidental provision.

(2) Schedules 4, 5 and 6 contain amendments to subordinate legislation which—

- (a) modify and transfer to the Body Welsh devolved functions of the Environment Agency;
- (b) modify and transfer to the Body and the Welsh Ministers Welsh devolved functions of the Forestry Commissioners;
- (c) modify and transfer to the Body functions of the CCW;
- (d) transfer to the Body functions of the Welsh Ministers relating to the environment;
- (e) make consequential, supplementary and incidental provision.

Other modifications of enactments

5. In any local enactment which is not amended by any other provision of this Order, any reference to the CCW (however expressed), and any reference which is to be read as a reference to the CCW, is to be treated as a reference to the Body.

6. In any local enactment which is not amended by any other provision of this Order, any reference to the Forestry Commissioners (however expressed), and any reference which is to be read as a reference to the Forestry Commissioners, is to be treated in relation to Wales as a reference to the Body.

7. In any local enactment which is not amended by any other provision of this Order, other than an enactment relating to navigation, any reference to the Environment Agency (however expressed), and any reference which is to be read as a reference to the Environment Agency, is to be treated in relation to Wales as a reference to the Body.

Abolition of Countryside Council for Wales

8.—(1) The CCW is abolished.

(2) Accordingly, the following are repealed—

- (a) sections 128 to 134 of the 1990 Act⁽¹⁾;

(1) 1990 c. 43. Section 130 was amended by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 15, paragraph

- (b) Schedules 6, 8 and 9 to the 1990 Act(1);
- (c) Part 1 of the National Parks and Access to the Countryside Act 1949(2).

Abolition of advisory committees

9.—(1) The following are abolished—

- (a) the Environment Protection Advisory Committee established pursuant to section 12(6) of the 1995 Act;
- (b) the regional and local fisheries advisory committee established pursuant to section 13(5) of the 1995 Act.

(2) Accordingly, the following provisions of the 1995 Act are repealed—

- (a) section 12(3);
- (b) section 13(4);
- (c) Schedule 3;
- (d) paragraph 3 of Schedule 23.

Transitional provisions and savings

10. Schedule 7 contains transitional provisions and savings.

Name

Minister for Environment and Sustainable Development, one of the Welsh Ministers

Date

11. Sections 128 and 129 were substituted, sections 130, 131, 132 and 134 were amended, and section 133 was repealed by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, paragraphs 117 to 123. Further amendments were made to sections 128, 132 and 134 by the Marine and Coastal Access Act 2009 (c. 23), section 313.

- (1) There have been numerous amendments to Schedules 6, 8 and 9. Those Schedules were amended, and Schedule 7 was repealed, by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, paragraphs 126 and 127, and Schedule 12. For transitional and saving provisions in connection with the repeal of Schedules 6, 8 and 9 to the 1990 Act, *see* Schedule 7 to this Order.
- (2) 1949 c. 97. Section 1 was substituted by the 1990 Act, Schedule 8, paragraph 1(2). Sections 1 and 3 were amended by the Natural Environment and Rural Communities Act 2006, Schedule 11, paragraphs 7 and 8. Sections 2 and 4 were repealed by the Wildlife and Countryside Act 1981 (c. 69), Schedule 17, Part 2.
- (3) The other committees established under section 12 of the 1995 Act were abolished by the Public Bodies (Abolition of Environment Protection Advisory Committees) Order 2012 (S.I. 2012/2407).
- (4) The other committees established under section 13 were abolished by the Public Bodies (Abolition of Regional and Local Fisheries Advisory Committees) Order 2012 (S.I. 2012/2406).

FUNCTIONS OF THE NATURAL RESOURCES BODY FOR WALES

1. The Establishment Order is amended as follows.

2. For article 2 substitute—

“2. In this Order—

“the Body” (“*y Corff*”) has the meaning given by article 3(1);

“nature conservation” (“*cadwraeth natur*”) means the conservation of flora, fauna or geological or physiographical features;

“pollution control functions” (“*swyddogaethau rheoli llygredd*”) has the meaning given by section 5(5) of the Environment Act 1995(1);

“the Welsh zone” (“*parth Cymru*”) has the meaning given by section 158(1) of the Government of Wales Act 2006(2).”

3. In article 4(3), omit “(as defined in section 158(1) of the Government of Wales Act 2006)”.

4. After article 5 insert—

“**Nature conservation duties**

5A.—(1) The Body must exercise its functions so as to promote nature conservation and the conservation and enhancement of natural beauty and amenity.

(2) The duty in paragraph (1)—

(a) does not apply to the Body’s pollution control functions or its functions under the Forestry Act 1967;

(b) applies to any other function only to the extent that it is consistent with the provisions of any enactment relating to the function.

(3) In exercising its pollution control functions, the Body must have regard to the desirability of nature conservation and of

(1) 1995 c. 25. The definition of “pollution control functions” in section 5(5) was amended by the Pollution Prevention and Control Act 1999 (c. 24), Schedule 2, paragraphs 14 and 15; and by the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), Schedule 26, paragraph 13(1) and (2).

(2) 2006 c. 32. The definition of the “Welsh zone” was inserted by section 43(2) of the Marine and Coastal Access Act 2009 (c. 23). See also the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760).

conserving and enhancing natural beauty and amenity.

(4) Section 1(3A) of the Forestry Act 1967⁽¹⁾ makes provision about the balance between nature conservation and other matters which the Body must endeavour to achieve in exercising its functions under that Act.

5B. In exercising any function relating to nature conservation, the Body must have regard to actual or possible ecological changes.

Access and recreation duties

5C.—(1) The Body must exercise its functions so as to promote the provision and improvement of opportunities for—

- (a) access to, and enjoyment of, the countryside and open spaces;
- (b) open-air recreation; and
- (c) the study, understanding and enjoyment of the natural environment.

(2) The duty in paragraph (1)—

- (a) does not apply to the Body's pollution control functions;
- (b) applies to any other function only to the extent that it is consistent with the provisions of any enactment relating to the function.

(3) In exercising its pollution control functions, the Body must have regard to the desirability of maintaining the availability to the public of existing opportunities of the kinds mentioned in paragraph (1).

(4) Section 2 of the Countryside Act 1968⁽²⁾ makes further provision about the Body's duties relating to facilities for the enjoyment of the countryside, the conservation and enhancement of the natural beauty and amenity of the countryside, and public access to the countryside for recreation.

Duties relating to historic sites

5D. In exercising its functions, the Body must have regard to—

- (a) the desirability of protecting and conserving buildings, structures, sites

(1) 1967 c. 10. Section 1(3A) was inserted by section 4 of the Wildlife and Countryside (Amendment) Act 1985 (c. 31).

(2) 1968 c. 41. There have been numerous amendments to section 2, including those made by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, paragraph 43. Schedule 2 to this Order makes further amendments to section 2.

and objects of archaeological, architectural, engineering or historic interest;

- (b) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any such building, structure, site or object, so far as consistent with sub-paragraph (a) and article 5A.

Duties relating to well-being

5E. In exercising its functions, the Body must have regard to—

- (a) the health and social well-being of individuals and communities;
- (b) the economic well-being of individuals, businesses and communities.

Duties of Welsh Ministers in relation to proposals relating to Body’s functions

5F.—(1) The duties in articles 5A to 5E apply to the Welsh Ministers when formulating or considering any proposals relating to the Body’s functions, as they apply to the Body in exercising those functions.

(2) But the duty in article 5A(1) applies to the Welsh Ministers when formulating or considering such proposals only to the extent that the duty is consistent with—

- (a) the objective of achieving sustainable development; and
- (b) the Welsh Ministers’ duties under section 2 of the Water Industry Act 1991(1).

Recreation in relation to water and associated land

5G.—(1) This article applies where the Body has rights to the use of water or land associated with water.

(2) The Body must take appropriate steps to secure that, so long as it has those rights, they are exercised so as to ensure that—

- (a) the water or land is made available for recreational purposes; and
- (b) is so made available in the best manner.

(3) In paragraph (2), “appropriate steps” (“*camau priodol*”) means steps which are—

(1) 1991 c. 56. There have been amendments to section 2, including in particular those made by the Water Act 2003 (c. 37), section 39.

- (a) reasonably practicable; and
- (b) consistent with the provisions of any enactment relating to the Body's functions.

(4) The Body must obtain the consent of any navigation authority, harbour authority or conservancy authority before doing anything under paragraph (1) which causes obstruction of, or other interference with, navigation which is subject to the control of that authority.

(5) Section 6 of the Environment Act 1995⁽¹⁾ makes further general provision about the Body's functions with respect to water.

Provision of facilities for recreation and other purposes

5H.—(1) The Body may provide, or make arrangements for the provision of, facilities for the purposes specified in paragraph (2) on any land belonging to it, which it uses or manages, or which is placed at its disposal by the Welsh Ministers.

(2) The purposes referred to in paragraph (1) are—

- (a) tourism and the enjoyment of the countryside and open spaces;
- (b) recreation and sport;
- (c) the study, understanding and enjoyment of the natural environment.

(3) In paragraph (1), “facilities” (“*cyfleusterau*”) includes, without limitation—

- (a) accommodation for visitors, camping sites and caravan sites;
- (b) picnic sites and places for meals and refreshments;
- (c) places for enjoying views and parking places;
- (d) routes for walking, cycling or study of the natural environment;
- (e) education centres, display centres and information;
- (f) shops in connection with any of the facilities mentioned in paragraphs (a) to (e);

(1) 1995 c. 25. Amendments to section 6 which are relevant to this Order have been made by the Water Act 2003 (c. 37), section 72; the Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463), Schedule 2, paragraph 9(b); the Marine and Coastal Access Act 2009 (c. 23), section 230; and the Flood and Water Management Act 2010 (c. 29), Schedule 2, paragraphs 51 and 52. Schedule 2 to this Order makes further amendments to section 6.

- (g) public conveniences.

5I. The power of the Welsh Ministers under section 39 of the Forestry Act 1967⁽¹⁾ to acquire land includes power to acquire land in proximity to land placed by them at the disposal of the Body pursuant to section 3 of that Act where it appears to the Welsh Ministers that the land which it is proposed to acquire is reasonably required for the provision of the facilities mentioned in article 5H.

5J. The power of the Welsh Ministers to make byelaws under section 46 of the Forestry Act 1967 includes power to make byelaws—

- (a) for regulating the reasonable use of facilities provided under article 5H, and
- (b) in relation to any matter described in section 41(3) of the Countryside Act 1968⁽²⁾.”

5. Omit articles 6 and 7.

6.—(1) Article 8 is amended as follows.

(2) In paragraph (3), for “apply unless” substitute “do not apply if”.

(3) After paragraph (4), insert—

“(5) For the purposes of this article, costs include costs—

- (a) to any person; and
- (b) to the environment.”

7. After article 8 insert—

“Cooperation with the Environment Agency

8A. The Body must cooperate and coordinate with the Environment Agency as may be appropriate in the circumstances.”

8.—(1) Article 9(2) is amended as follows.

(2) In sub-paragraph (c), after “form” insert “or participate in the forming of”.

(3) After sub-paragraph (d), insert—

“(da) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust;”.

(4) In sub-paragraph (e), after “gifts” insert “or contributions”.

(1) 1967 c. 10. Amendments to section 39 which are relevant to this Order were made by the Scotland Act (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), Schedule 12, paragraph 4(1) and (28) to (31).

(2) 1968 c 41. There have been amendments to other provisions of section 41.

9. After article 9 insert—

“Power to enter into agreements with local authorities and public bodies

9A.—(1) Without prejudice to the generality of the powers conferred by article 9, the Body is to be treated as both a local authority and a public body for the purposes of the provisions of the Local Authorities (Goods and Services) Act 1970⁽¹⁾, other than section 2(2).

(2) But the Body may not, under section 1 of that Act, make arrangements which could be made under section 28(1) of the Public Bodies Act 2011⁽²⁾.”

10.—(1) Article 10 is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) After paragraph (1) insert—

“(2) The Body may advise the Welsh Ministers on the development and implementation of policies for or in relation to any matter in respect of which the Body exercises functions, whether or not it has been requested to do so.”

11. After article 10 insert—

“Advice and assistance to others

10A.—(1) The Body may provide advice or assistance, including training facilities, to any person on any matter in which the Body has knowledge, skill or experience.

(2) The power conferred by paragraph (1) must not be exercised where the person to whom the advice or assistance is provided is outside Wales, except—

- (a) in accordance with a power or duty conferred or imposed by this or any other enactment;
- (b) with the consent in writing of the Welsh Ministers; or
- (c) in accordance with arrangements approved by the Welsh Ministers.

(3) The Welsh Ministers may impose conditions when giving consent or approving arrangements under paragraph (2).

(1) 1970 c. 39. There have been amendments to the Act which are not material for the purposes of this Order.

(2) 2011 c. 24.

Financial assistance

10B.—(1) The Body may give financial assistance to any person in respect of any expenditure incurred or to be incurred by that person in doing anything which the Body considers conducive to the attainment of any objective which the Body seeks to attain in the exercise of its functions.

(2) The Body may give financial assistance under this article by way of grant or loan (or partly in one way and partly in the other).

(3) The Body may attach conditions to financial assistance under this article, which may include (without limitation) conditions requiring the repayment of the whole or part of any grant in specified circumstances.

(4) The Body must exercise the power in paragraph (3) so as to ensure that any person receiving financial assistance in respect of premises to which the public are to be admitted (on payment or otherwise) makes appropriate provision for the needs of members of the public with disabilities.

(5) In paragraph (4), “appropriate provision” (*“darpariaeth briodol”*) means such provision with respect to—

- (a) means of access to or within the premises; and
- (b) the parking facilities and sanitary conveniences to be available (if any),

as is practicable and reasonable in the circumstances.

(6) The Body may give financial assistance under this article only with the consent of the Welsh Ministers (which may be specific or general) or in accordance with arrangements approved by them.

Research

10C.—(1) The Body must make arrangements for the carrying out of research activities in respect of matters relevant to any of its functions.

(2) The Body may—

- (a) carry out research activities on its own account or jointly with other persons;
- (b) commission or support research activities (whether by financial means or otherwise).

(3) In exercising its functions under this article in relation to research into nature conservation, the Body must have regard to any

common standards established under section 34(2)(c) of the Natural Environment and Rural Communities Act 2006⁽¹⁾.

(4) In this article—

- (a) “research activities” (“*gweithgareddau ymchwil*”) means research and related activities;
- (b) “related activities” (“*gweithgareddau cysylltiedig*”) includes, without limitation, the making of experiments and inquiries and the collection of statistics and information.

Further provision about advice, assistance and research

10D. The functions conferred by articles 10 to 10C are exercisable in relation to Wales and the Welsh zone.

Criminal proceedings

10E.—(1) The Body may institute criminal proceedings in England and Wales.

(2) The Body may authorise persons to prosecute on its behalf in proceedings before magistrates’ courts in England and Wales.

(3) A person so authorised is entitled to prosecute in such proceedings even though that person is not a barrister or solicitor.”

12. In article 11, for paragraphs (2) to (4) substitute—

“(2) In the case of a direction under paragraph (1)—

- (a) which would have any effect in England; or
- (b) which relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and which would have any effect in the catchment areas of the rivers Dee, Wye and Severn,

the power in paragraph (1) may also be exercised by the Secretary of State.

(3) The Welsh Ministers or the Secretary of State may give the Body general or specific directions for the implementation of any EU obligation or international obligation of the United Kingdom.

(1) 2006 c. 16.

(4) Except in an emergency, the power to give a direction under this article may be exercised only after consultation with the Body.

(5) The Welsh Ministers may give a direction falling within paragraph (2) only after consulting the Secretary of State.

(6) The Secretary of State may give a direction—

- (a) under this article for the purpose of implementing any EU obligation or international obligation of the United Kingdom only after consulting the Welsh Ministers;
- (b) under paragraph (1) for any other purpose only with the consent of the Welsh Ministers.

(7) Any power of the Welsh Ministers or Secretary of State to give directions to the Body under any other enactment is without prejudice to their powers to give directions under this article.”

13. After article 11 insert—

“Further provisions about directions

11A.—(1) A direction under article 11 must be in writing.

(2) The Welsh Ministers or the Secretary of State (as the case may be) must publish any direction given to the Body—

- (a) under article 11;
- (b) under any other enactment for the purpose of implementing any EU obligation or international obligation of the United Kingdom,

as soon as reasonably practicable after giving the direction, and must make copies available on request.

(3) The power to give directions under article 11 includes power to vary or revoke the directions.

(4) If the Welsh Ministers or the Secretary of State vary or revoke any direction given to the Body for the purpose of implementing any EU obligation of the United Kingdom (whether under article 11 or under any other enactment), they must—

- (a) publish the variation or revocation as soon as reasonably practicable;
- (b) make copies of the variation or revocation available on request.

(5) The Body and any person exercising functions of the Body must comply with any direction given to the Body under article 11 or any other enactment.

(6) In determining—

- (a) any appeal against, or reference or review of, a decision of the Body, or
- (b) any application transmitted from the Body,

the person making the determination is bound by any direction given to the Body under article 11 or any other enactment to the same extent as the Body.”

14. Before article 12 insert—

“Power to charge

11B.—(1) The Body may—

- (a) charge for work that it carries out and for goods, services and facilities that it provides;
- (b) allow another person to make charges, on such terms as the Body thinks fit, for facilities which that person provides under arrangements made under article 5H.

(2) Any arrangement between the Body and another person entered into pursuant to paragraph (1) may, with the consent of the Welsh Ministers, include provision for the sharing of profits.

(3) The powers conferred by this article are subject to any specific restriction on charging by the Body in particular cases or categories of case contained in this or any other enactment.”

15. At the end of article 12 insert—

“(3) The conditions which may be imposed include, without limitation, conditions as to the use of the money for the purposes of the Joint Nature Conservation Committee.”

16. At the end of article 13 insert—

“(8) This article is subject to section 118 of the Water Resources Act 1991(1).”

17. After article 13 insert—

(1) 1991 c. 57. Section 118 was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraphs 128 and 150; and the Flood and Water Management Act 2010 (c. 29), Schedule 2, paragraphs 40 and 43. Schedule 2 to this Order makes further amendments to section 118.

“Forestry income

13A.—(1) The Body must spend all sums which it receives in respect of the sale or other disposal of timber or other forest products on the exercise of its functions relating to forestry, forests, woods and woodland industries.

(2) This article is subject to any determination or direction made by the Welsh Ministers under article 13.”

18. After article 15 insert—

“PART 4 – INFORMATION ABOUT PERMITTING DECISIONS

Interpretation

16. In this Part—

“permit” (*“hawlen”*) means any registration, exemption, approval, permission, licence, consent, assent or other authorisation, however described;

“permitting decision” (*“penderfyniad ynghylch hawlenni”*) means any decision to—

- (a) grant or refuse an application for a permit;
- (b) suspend, vary or revoke a permit.

Information publication schemes

17.—(1) The Body must—

- (a) develop, adopt and maintain a scheme (in this article referred to as a “publication scheme”) in relation to the publication of information about—
 - (i) applications for permits made to the Body; and
 - (ii) permitting decisions made by the Body;
- (b) publish information in accordance with its publication scheme;
- (c) from time to time review its publication scheme.

(2) A publication scheme must—

- (a) specify classes of information which the Body publishes or intends to publish, which must include information about all applications for permits made by the Body in cases

where the Body is responsible for determining the application;

- (b) specify the manner in which, and the time within which, information of each class is, or is intended to be, published;
- (c) specify whether the material is, or is intended to be, available to the public free of charge.

(3) In developing, adopting, or reviewing a publication scheme, the Body must—

- (a) consult such persons as it considers appropriate;
- (b) have regard to the public interest in—
 - (i) allowing public access to information held by the Body; and
 - (ii) the publication of information about application for permits made to the Body and permitting decisions made by the Body.

(4) A publication scheme must be approved by the Welsh Ministers.

(5) If the Welsh Ministers refuse to approve a proposed publication scheme they must give the Body a statement of their reasons for doing so.

(6) The Body must publish its publication scheme on its website and make copies of the scheme available on request.

(7) This article is without prejudice to any other power or duty of the Body to publish or disclose information.

Notification to Welsh Ministers in relation to self permitting

18.—(1) This article applies to any application for a permit in respect of which all of the following conditions are met—

- (a) the Body is the applicant;
- (b) the Body is responsible for determining the application;
- (c) the Welsh Ministers may make a direction that the application be referred to them for determination.

(2) The Body must notify the Welsh Ministers of the application at the time that it makes the application.”

19.—(1) The Schedule is amended as follows.

(2) Before paragraph 1 insert—

“Interpretation

A1. In this Schedule, references to employees of the Body include persons seconded to the Body.”

(3) In paragraph 1(2), for “Property” substitute “Subject to paragraph 1A, property”.

(4) After paragraph 1 insert—

“Status in relation to nature reserves

1A.—(1) This paragraph applies to land in which the Body has an interest and which is managed as a nature reserve.

(2) For the purposes of the application of any enactment or rule of law to the land, the Body is to be treated as a government department.

(3) An interest in land includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement.”

(5) In paragraph 2(1)(d), omit “fewer than 2 nor”.

(6) Omit paragraphs 3 and 4.

(7) In paragraph 5, omit “paragraph 4(3) where applicable and to”.

SCHEDULE 2 Article 4(1)

ACTS OF PARLIAMENT

PART 1

Public General Acts

Statistics of Trade Act 1947 (c. 39)

1.—(1) Section 9A of the Statistics of Trade Act 1947 is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after “the Environment Agency” insert “, the Natural Resources Body for Wales”;
- (b) in paragraph (b), for “either of those Agencies authorised by that Agency” substitute “any of those bodies authorised by that body”.

(3) In subsection (2), for “Agency” substitute “body”.

Coast Protection Act 1949 (c. 74)

2. The Coast Protection Act 1949 is amended as follows.

3.—(1) Section 2A is amended as follows.

(2) The existing provision becomes subsection (1).

(3) In subsection (1), for paragraph (b) substitute—

- “(b) the Environment Agency, in relation to coastal erosion risks in England, and
- (c) the Natural Resources Body for Wales, in relation to coastal erosion risks in Wales.”

(4) After subsection (1), insert—

“(2) In this Part, references to the area of a coastal erosion risk management authority are—

- (a) in relation to the Environment Agency, references to England, and
- (b) in relation to the Natural Resources Body for Wales, references to Wales.”

4.—(1) Section 4 is amended as follows.

(2) In subsection (1)—

- (a) for “coast protection authority” substitute “coastal erosion risk management authority”;
- (b) for “district” substitute “area”.

(3) In subsection (1B), for “district” substitute “area”.

(4) Omit subsection (1C).

5.—(1) Section 5 is amended as follows.

(2) In subsections (1) to (5), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In subsection (5A)—

(a) after “the Environment Agency” insert “or the Natural Resources Body for Wales”;

(b) after “the Agency” insert “or the Body”.

(4) In subsection (6), for “Environment Agency” substitute “appropriate agency”.

6. In section 8(1), for “Environment Agency”, substitute “appropriate agency”.

7. In sections 16 and 17, for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

8. In section 45(1)(b), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

9. In section 47(c), after “Environment Agency”, in each place where it occurs, insert “, the Natural Resources Body for Wales”.

10.—(1) Section 49(1) is amended as follows.

(2) In the appropriate places insert the following definitions—

““appropriate agency” means—

(a) the Environment Agency in relation to work in England;

(b) the Natural Resources Body for Wales in relation to work in Wales;”;

““England” includes the territorial sea adjacent to England not forming any part of Wales;”;

““Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006;”.

(3) In the definition of “drainage authority”, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

11.—(1) In Schedule 1, paragraph 1 is amended as follows.

(2) In sub-paragraph (b), omit “on the Environment Agency and”.

(3) After sub-paragraph (b), insert—

“(ba) on the Environment Agency if any part of the area affected by the order is

in England, and on the Natural Resources Body for Wales if any part of the area affected by the order is in Wales;”.

12.—(1) Schedule 2 is amended as follows.

(2) In paragraph 2, after “the Environment Agency” insert “(if any land to which the draft order relates is in England), the Natural Resources Body for Wales (if any land to which the draft order relates is in Wales),”.

(3) In paragraph 12, after “the Environment Agency” insert “(if any land to which the interim order relates is in England), the Natural Resources Body for Wales (if any land to which the interim order relates is in Wales),”.

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

13. The National Parks and Access to the Countryside Act 1949 is amended as follows.

14. For any reference to the Countryside Council for Wales substitute a reference to the Natural Resources Body for Wales.

15. For any reference to the Council, other than in section 111, substitute a reference to the NRBW.

16. In section 99(6), after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

17. In section 114(1), for the definition of “drainage authority”, substitute—

““drainage authority” means—

- (a) as respects England, the Environment Agency;
- (b) as respects Wales, the Natural Resources Body for Wales;
- (c) in either case, an internal drainage board;”.

18. In Schedule 1, in paragraph 2(4), after “the Environment Agency” insert “(as respects England), the Natural Resources Body for Wales (as respects Wales),”.

Opencast Coal Act 1958 (c. 59)

19.—(1) Section 7(8) of the Opencast Coal Act 1958 is amended as follows.

(2) In the definition of “statutory water undertakers”—

- (a) in sub-paragraph (i) omit “and Wales”;
- (b) at the end of sub-paragraph (i) omit “and”;

- (c) at the end of sub-paragraph (ii) insert “and”;
- (d) after sub-paragraph (ii) insert—
 - “(iii) in Wales, the Natural Resources Body for Wales, a water undertaker or a sewerage undertaker.”

Plant Varieties and Seeds Act 1964 (c. 14)

20.—(1) Section 29 of the Plant Varieties and Seeds Act 1964 is amended as follows.

(2) In subsection (2)—

- (a) for “Forestry Commissioners” substitute “appropriate authority”;
- (b) for “those Commissioners”, in each place where it occurs, substitute “the appropriate authority”;
- (c) for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In subsection (3), for “Forestry Commissioners” substitute “appropriate authority”.

(4) After subsection (3) insert—

“(4) In this section “appropriate authority” means—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in all other respects, the Forestry Commissioners.”

Harbours Act 1964 (c. 40)

21. The Harbours Act 1964 is amended as follows.

22. In section 58, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

23. In Part I of Schedule 3, in paragraph 18(4), in the definition of “the relevant conservation body”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Nuclear Installations Act 1965 (c. 57)

24.—(1) Section 26(1) of the Nuclear Installations Act 1965 is amended as follows.

(2) In the definition of “appropriate Agency”—

- (a) omit “or Wales”;
- (b) after sub-paragraph (b), insert—
 - “(c) in the case of a site in Wales, the Natural Resources Body for Wales.”

Plant Health Act 1967 (c. 8)

25. In section 1(2)(a) of the Plant Health Act 1967, at the beginning insert “for England and Scotland”.

Forestry Act 1967 (c. 10)

26. The Forestry Act 1967 is amended as follows.

27.—(1) Section 1 is amended as follows.

(2) After subsection (1) insert—

“(1A) In this Act, “the appropriate forestry authority” means—

- (a) in relation to England and Scotland, the Commissioners;
- (b) in relation to Wales, the Natural Resources Body for Wales.”

(3) In subsection (2)—

- (a) for “Commissioners” substitute “appropriate forestry authority”;
- (b) for “and in England and Wales” substitute “in England and in Wales”.

(4) In subsection (3)—

- (a) for “Commissioners” substitute “appropriate forestry authority’s”;
- (b) for “and in England and Wales” substitute “in England and in Wales”.

(5) In subsection (3A)—

- (a) omit “under the Forestry Acts 1967 to 1979”;
- (b) for “Commissioners” substitute “appropriate forestry authority”.

(6) After subsection (3A) insert—

“(3B) In subsection (3A) “functions” means—

- (a) in relation to the Commissioners, functions under the Forestry Acts 1967 to 1979;
- (b) in relation to the Natural Resources Body for Wales, functions under this Act.”

(7) In subsection (4)(a), omit “and Wales”.

(8) In subsection (6), for “Great Britain” substitute “England and Scotland”.

28.—(1) Sections 3, 5(1) and (2) and 6 are amended as follows.

(2) For any reference to the Commissioners substitute a reference to the appropriate forestry authority.

(3) For “England and Wales”, in each place where it occurs, substitute “England or Wales”.

29. In section 7, for “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

30. In section 7A(1), omit “and Wales”.

31. In section 8A, for “England and Wales” substitute “England or (as the case may be) Wales”.

32.—(1) Section 9 is amended as follows.

(2) In subsection (1), for “Commissioners” substitute “appropriate forestry authority”.

(3) In subsection (3)(b)(i), after “which are felled” insert “in the relevant territory”.

(4) In subsection (5), for “Commissioners” substitute “appropriate legislative authority”.

(5) In subsection (6), after the definition of “quarter” insert—

““relevant territory” means—

- (a) England and Scotland where the felling is carried out in England or Scotland;
- (b) Wales where the felling is carried out in Wales;”.

33.—(1) Sections 10 to 22 are amended as follows.

(2) For any reference to the Commissioners, substitute a reference to the appropriate forestry authority.

(3) For “England and Wales”, in each place where it occurs, substitute “England or Wales”.

34. In section 23(1), for “Commissioners” substitute “appropriate legislative authority”.

35.—(1) Sections 24 to 26 are amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

(3) For “England and Wales”, in each place where it occurs, substitute “England or Wales”.

36.—(1) Section 27 is amended as follows.

(2) For “England and Wales”, in each place where it occurs, substitute “England or Wales”.

(3) In subsection (1), after “Forestry Commissioner” insert “, member of the Natural Resources Body for Wales”.

(4) For “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

37. In section 28, for “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

38. In section 30(5), for “Commissioners” substitute “appropriate forestry authority”.

39.—(1) Section 32 is amended as follows.

(2) In subsection (1), for “The Commissioners may, subject” substitute “The appropriate legislative authority may, subject (in the case of the Commissioners)”.

(3) In subsection (3), for “and” substitute “, as regards”.

(4) In subsection (4), omit “and Wales”.

(5) After subsection (5) insert—

“(5A) A statutory instrument containing regulations under this Part making provision only as regards Wales—

- (a) in the case of regulations under section 9(5)(b) or (c), must not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales;
- (b) in a case not falling within paragraph (a), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

40.—(1) Section 35 is amended as follows.

(2) In the definitions of “conservancy” and “felling directions”, for “Commissioners” substitute “appropriate forestry authority”.

(3) In the definition of “prescribed”, for “Commissioners” substitute “appropriate legislative authority”.

41.—(1) Section 37 is amended as follows.

(2) For subsection (1) substitute—

“(1) For the purposes of advising the appropriate forestry authority as to the performance of their functions under section 1(3) and Part II of this Act, and such other functions as the appropriate forestry authority may from time to time determine—

- (a) the Commissioners shall continue to maintain, in relation to England and Scotland, the central advisory committee known as the Home Grown Timber Advisory Committee; and
- (b) the appropriate forestry authority shall continue to maintain a regional advisory committee for each conservancy (within the meaning of Part II of this Act) in Great Britain.”

(3) In subsection (3), for “Commissioners” substitute “appropriate forestry authority”.

(4) Accordingly, the heading to section 37 becomes “Advisory committees”.

42.—(1) Section 38 is amended as follows.

(2) In subsection (3), for “Commissioners” substitute “appropriate forestry authority”.

(3) In subsection (4)(a) for “or” substitute “, and the appropriate forestry authority may pay to the members”.

43.—(1) Section 39 is amended as follows.

(2) In subsection (1), for “England and Wales” substitute “England or Wales”.

(3) For “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

44.—(1) Section 40(3) is amended as follows.

(2) For “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

(3) In paragraph (a)(i), for “England and Wales” substitute “England or Wales”.

45.—(1) Section 46 is amended as follows.

(2) In subsection (1) for “the Commissioners” substitute “the appropriate legislative authority”.

(3) In subsection (2)—

(a) in the opening words, for “Commissioners” substitute “appropriate legislative authority’s”;

(b) in paragraph (a), for “Commissioners” substitute “appropriate forestry authority”.

(4) In subsection (4) omit “and Wales”.

(5) After subsection (4B) insert—

“(4C) A draft of any statutory instrument containing byelaws under this section with respect to land in Wales must be laid before the National Assembly for Wales.”

46. In section 48, for “Commissioners”, in each place where it occurs, substitute “appropriate forestry authority”.

47. In section 49(1), in the appropriate place insert—

““the appropriate forestry authority” has the meaning given by section 1(1A);

“the appropriate legislative authority” means—

(a) the Commissioners, in relation to England and Scotland;

(b) the Welsh Ministers, in relation to Wales;”.

48. In Schedule 6, in paragraph 4(2), for “as continuing after that commencement to be so placed”

substitute “as being placed at the disposal of the appropriate forestry authority”.

Parliamentary Commissioner Act 1967 (c. 13)

49.—(1) Schedule 2 to the Parliamentary Commissioner Act 1967 is amended as follows.

(2) In the list of departments etc subject to investigation, in the appropriate place insert—

“The Natural Resources Body for Wales.”

(3) In the notes following the list of departments etc, in the appropriate place insert—

“The Natural Resources Body for Wales

In the case of the Natural Resources Body for Wales no investigation is to be conducted in respect of any action in connection with functions of that body in relation to Wales (within the meaning of the Government of Wales Act 2006).”

Agriculture Act 1967 (c. 22)

50. The Agriculture Act 1967 is amended as follows.

51. In section 46(3), for “the Forestry Commission” substitute “the appropriate forestry authority”.

52. In section 49(3)(c), for “the Forestry Commission”, in both places where it occurs, substitute “the appropriate forestry authority”.

53. In section 50(3)(g), after “the Environment Agency” insert “, the Natural Resources Body for Wales,”.

54. In section 52(2)(a), for “the Forestry Commission” substitute “the appropriate forestry authority”.

55. In section 57(1), in the appropriate place insert—

““the appropriate forestry authority” means the Forestry Commission in relation to England and Scotland and the Natural Resources Body for Wales in relation to Wales;”.

Sea Fish (Conservation) Act 1967 (c. 84)

56.—(1) Section 18 of the Sea Fish (Conservation) Act 1967 is amended as follows.

(2) In subsection (1), in the first paragraph, for the words from “any waters” to “under the Salmon and Freshwater Fisheries Act 1975” substitute “the waters specified in subsection (1A)”.

(3) After subsection (1), insert—

“(1A) The waters specified for the purposes of subsection (1) are any waters which are included in the area in relation to which—

(a) by virtue of section 6(7) of the Environment Act 1995, the Environment Agency; or

(b) by virtue of section 6(7A) of that Act, the Natural Resources Body for Wales, carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act 1975.”

Countryside Act 1968 (c. 41)

57. The Countryside Act 1968 is amended as follows.

58. For any reference to the Countryside Council for Wales substitute a reference to the Natural Resources Body for Wales.

59. For any reference to the Council substitute a reference to the Body.

60. Omit section 1.

61. In section 2, omit subsections (1), (4) and (7).

62. In section 8(4), for “and such” substitute “(if the country park is in England), the Natural Resources Body for Wales (if the country park is in Wales), and in either case, such”.

63. In section 12(4), after “the Environment Agency” insert “if the works are to take place in England, or the Natural Resources Body for Wales if the works are to take place in Wales”.

64. In section 16(7)—

(a) after “the Environment Agency”, insert “if the land is in England, or the Natural Resources Body for Wales if the land is in Wales”;

(b) before “of such authorities”, insert “, in either case,”.

65. In section 23, omit subsection (5).

66.—(1) Section 24 is amended as follows.

(2) In subsection (1)—

(a) for “the said Commissioners” substitute “the appropriate forestry authority”;

(b) for “the Commissioners” substitute “the appropriate forestry authority’s”;

(c) for “their”, in each place where it occurs, substitute “its”.

(3) In subsection (2), for “the Commissioners” substitute “the appropriate forestry authority”.

(4) After subsection (5), insert—

“(6) In this section, “the appropriate forestry authority” means—

- (a) in relation to England, the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945; and
- (b) in relation to Wales, the Natural Resources Body for Wales.”

67.—(1) Section 24A(1) is amended as follows.

(2) Omit “and Wales”.

(3) For “the said Commissioners” substitute “the Forestry Commissioners constituted under the Forestry Acts 1919 to 1945”.

68.—(1) Section 38 is amended as follows.

(2) After “the Environment Agency” insert “, the Natural Resources Body for Wales”.

(3) For “that Authority” substitute “the Agency, the Body”.

69. Omit section 46(2).

Conservation of Seals Act 1970 (c. 30)

70.—(1) The Conservation of Seals Act 1970 is amended as follows.

71.—(1) Section 10 is amended as follows

(2) For “the Secretary of State”, in each place where it occurs, substitute “the appropriate licensing authority”.

(3) In subsection (3)(b)—

- (a) for “the appropriate nature conservation body” substitute “Natural England”;
- (b) after “an area” insert “in, or in waters adjacent to, England”.

(4) Omit subsections (4)(c) and (5).

(5) After subsection (6), insert—

“(7) In this section “the appropriate licensing authority” means—

- (a) the Natural Resources Body for Wales where the area in question is in Wales;
- (b) in any other case, the Marine Management Organisation.

(8) In subsection (7)(a), “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006.”

72. In section 13, after “the Secretary of State” insert “, the Welsh Ministers and the Natural Resources Body for Wales”.

Local Government Act 1974 (c. 7)

73. In the Local Government Act 1974, omit section 9.

Health and Safety at Work etc. Act 1974 (c. 13)

74. The Health and Safety at Work etc. Act 1974 is amended as follows.

75.—(1) Section 28 is amended as follows.

(2) In subsection (3)(a), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

(3) In subsection (4), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

(4) In subsection (5)(a), after “the Environment Agency” insert “or of the Natural Resources Body for Wales”.

76. In section 38, after “Environment Agency or” insert “the Natural Resources Body for Wales or”.

Control of Pollution Act 1974 (c. 40)

77. The Control of Pollution Act 1974 is amended as follows.

78. In section 30(1), in the definition of “the appropriate Agency”—

(a) in paragraph (a), omit “and Wales”;

(b) after that paragraph insert—

“(aa) in relation to Wales, the Natural Resources Body for Wales; and”.

79. In section 62(2)(a), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

Reservoirs Act 1975 (c. 23)

80. The Reservoirs Act 1975 is amended as follows.

81. For any reference to the Environment Agency, other than in sections 1, 2, 12A, 22A and Schedule 1, substitute a reference to the appropriate agency.

82. For any reference to the Agency, other than in section 2, substitute a reference to the appropriate agency.

83.—(1) Section 1 is amended as follows.

(2) In subsection (4)(a)—

(a) after “the Environment Agency” insert “, the Natural Resources Body for Wales”;

(b) after “that Agency” insert “, Body”.

(3) In subsection (4A), omit “and Wales”.

(4) After subsection (4B), insert—

“(4C) The “area” of the Natural Resources Body for Wales (referred to in this Act as the “NRBW”), in its capacity as a relevant authority for the purposes of this Act, is the whole of Wales.”

(5) After subsection (5), insert—

“(5A) In this Act, “appropriate agency” means—

- (a) in relation to reservoirs in England, the Environment Agency;
- (b) in relation to reservoirs in Wales, the NRBW.”

84.—(1) Section 2 is amended as follows.

(2) In subsection (1)—

- (a) omit “and Wales,”;
- (b) after “the Environment Agency” insert “, in Wales the NRBW”.

(3) In subsection (2A)—

- (a) after “the Environment Agency” insert “or the NRBW”;
- (b) after “the Agency” insert “or the NRBW”.

85.—(1) Section 12A is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (b), after “the Environment Agency” insert “or the NRBW”;
- (b) in paragraph (c)—
 - (i) after “the Environment Agency” insert “or the NRBW”;
 - (ii) after “that Agency” insert “, by the NRBW”.

(3) In subsection (3)—

- (a) in paragraph (b), after “the Environment Agency” insert “if the reservoir concerned is in England or any of the flooding to which the plan relates would be in England”;
- (b) after paragraph (b) insert—

“(ba) the NRBW if the reservoir concerned is in Wales or any of the flooding to which the plan relates would be in Wales;”.

86.—(1) Section 22A is amended as follows.

(2) After “the Environment Agency” insert “or the NRBW”.

(3) Accordingly, the heading of section 22A becomes “Service of notices by the Environment Agency and the NRBW”.

87. In Schedule 1, in the list of defined expressions, in the appropriate places insert—

“Appropriate agency	Section 1(5A)”;
“Area (in relation to the NRBW)	Section 1(4C)”;
“NRBW	Section 1(4C)”.

House of Commons Disqualification Act 1975 (c. 24)

88.—(1) Schedule 1 to the House of Commons Disqualification Act 1975 is amended as follows.

(2) In Part 2, in the list of bodies of which all members are disqualified, insert in the appropriate place—

“the Natural Resources Body for Wales”.

(3) In Part 3, in the list of other disqualifying offices, omit “Any member of the Countryside Council for Wales in receipt of remuneration.”

Salmon and Freshwater Fisheries Act 1975 (c. 51)

89. The Salmon and Freshwater Fisheries Act 1975 is amended as follows.

90.—(1) For any reference to the Agency substitute a reference to the appropriate agency, but this is subject to sub-paragraph (2).

(2) Sub-paragraph (1) does not apply to section 37A(5) or 39, or to the definition of “the Agency” in section 41(1).

91. In section 37A, after subsection (5), insert—

“(5A) The amount by which the sums received by the Natural Resources Body for Wales by way of fixed penalties exceed the sums repaid by it under subsection (4)(a) above shall be paid into the Welsh Consolidated Fund.”

92. In section 41(1), in the appropriate place insert—

““the appropriate agency” means—

- (a) the Agency, except in relation to Wales (within the meaning of the Government of Wales Act 2006); and
- (b) the Natural Resources Body for Wales, in relation to Wales (within that meaning);”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

93. In section 44(1B) of the Local Government (Miscellaneous Provisions) Act 1976, for “were a local authority” substitute “and the Natural Resources Body for Wales were local authorities”.

Rent (Agriculture) Act 1976 (c. 80)

94. In section 30(8) of the Rent (Agriculture) Act 1976, after “the Forestry Commissioners” insert “in relation to land in England and the Natural Resources Body for Wales in relation to land in Wales”.

Forestry Act 1979 (c. 21)

95. The Forestry Act 1979 is amended as follows.

96.—(1) Section 1(1) is amended as follows.

(2) Omit “and Wales”.

(3) After “lessees of land” insert “in England and Scotland”.

97.—(1) Section 2 is amended as follows.

(2) In subsection (2), for “The Forestry Commissioners” substitute “The appropriate authority”.

(3) In subsections (4) and (5)(a), for “the Commissioners” substitute “the appropriate authority”.

(4) In subsection (5)(a), omit “and” in the second place where it occurs.

(5) In subsection (5)(b)—

(a) after “shall” insert “, if made by the Forestry Commissioners,”;

(b) for “.” substitute “; and”.

(6) After subsection (5)(b) insert—

“(c) shall, if made by the Welsh Ministers, be made by statutory instrument subject to annulment in pursuance of a resolution of the National Assembly for Wales”.

(7) After subsection (5) insert—

“(6) In this section “the appropriate authority” means—

(a) in relation to Wales, the Welsh Ministers;

(b) in relation to England, the Forestry Commissioners.”

Import of Live Fish (England and Wales) Act 1980 (c. 27)

98. In section 1(2) of the Import of Live Fish (England and Wales) Act 1980, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Local Government, Planning and Land Act 1980 (c. 65)

99. In section 185(2)(b) of the Local Government, Planning and Land Act 1980, after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

Highways Act 1980 (c. 66)

100. The Highways Act 1980 is amended as follows.

101. For “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

102.—(1) Section 105B(8) is amended as follows.

(2) In paragraph (b)(i), after “English Heritage” insert “, the Environment Agency”.

(3) In paragraph (c)(ii), after “organisation;” insert “and”.

(4) Omit paragraph (d).

103. In section 107(4), after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

104.—(1) Section 254(4)(a) is amended as follows.

(2) After “an internal drainage board” insert “, the Natural Resources Body for Wales”.

(3) For “that board or that Authority” substitute “that authority”.

105.—(1) Section 276 is amended as follows.

(2) After “the Environment Agency” insert “, the Natural Resources Body for Wales”.

(3) For “that Agency or board” substitute “that authority”.

106. In section 329(1), in the definition of “drainage authority”, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

107.—(1) Schedule 1 is amended as follows.

(2) In Part 1, in paragraph 3, in item (ii) of the Table, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

(3) In Part 2, in paragraph 11(b), after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

Wildlife and Countryside Act 1981 (c. 69)

108. The Wildlife and Countryside Act 1981 is amended as follows.

109.—(1) Section 16 is amended as follows.

(2) After subsection (8B) insert—

“(8C) In this section, in the case of a licence granted under any of subsections (1) to (4) in relation to Wales, the “appropriate authority” means the Natural Resources Body for Wales.”

(3) In subsection (9), in the opening words, for “subsection (8A)” substitute “subsections (8A) and (8C)”.

(4) In subsection (12), after paragraph (b) insert—

“(c) “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006.”

110. In section 27(1), in the definition of “authorised person”, for paragraph (d) substitute—

“(d) any person authorised in writing by—

- (i) the Environment Agency, in relation to anything done in England;
- (ii) the Natural Resources Body for Wales, in relation to anything done in Wales; or
- (iii) a water undertaker or a sewerage undertaker.”.

111. In section 27(3A), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

112.—(1) Section 27AA is amended as follows.

(2) After “sections 28 to 34” insert “(other than section 28D(2)(d))”.

(3) For “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

113. In section 28D(2)(d), after “the Environment Agency” insert “(only in relation to notifications by Natural England)”.

114. In section 34A(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

115. In section 36(7), in the definition of “relevant authority”, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

116.—(1) Section 37A is amended as follows.

(2) In subsection (1)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) In subsection (2)—

(a) in paragraph (b), at the end insert “and”;

(b) omit paragraph (c).

(4) After subsection (2), insert—

“(2A) Subject to subsection (3), upon receipt of a notification under subsection (1), Natural England shall, in turn, notify the Environment Agency.”

(5) In subsection (3), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

117. In section 39(5)(e), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

118. In section 41A, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

119. Omit section 47.

120. In section 49, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

121. In section 50(1)(a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

122. In section 51(2)(a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

123. In section 70B(7)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Animal Health Act 1981 (c. 22)

124. In section 21(9) of the Animal Health Act 1981, in the definition of “appropriate conservation body”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Road Traffic Regulation Act 1984 (c. 27)

125. In section 22 of the Road Traffic Regulation Act 1984, in subsections (1)(a)(iv) and (3), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Inheritance Tax Act 1984 (c. 51)

126. In Schedule 3 to the Inheritance Tax Act 1984, for “Countrywide Council for Wales” substitute “The Natural Resources Body for Wales”.

Agriculture Act 1986 (c. 49)

127. In section 18(2)(b) of the Agriculture Act 1986, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Control of Pollution (Amendment) Act 1989 (c. 14)

128. The Control of Pollution (Amendment) Act 1989 is amended as follows.

129. In section 5C(2), after paragraph (a) insert—

“(aa) where received by the Natural Resources Body for Wales, must be paid to the Welsh Ministers;”.

130. In section 9(1), in the definition of “regulation authority”—

- (a) in paragraph (a), omit “and Wales” and the “and” at the end;
- (b) after paragraph (a) insert—

“(aa) in relation to Wales, the Natural Resources Body for Wales; and”;
- (c) in the closing words, for “and Wales or, as the case may be, in Scotland” substitute “, Wales or Scotland as the case may be”.

Water Act 1989 (c. 15)

131. The Water Act 1989 is amended as follows.

132.—(1) Section 174 is amended as follows.

(2) In subsection (2)(a)—

- (a) after “the Scottish Environment Protection Agency,” insert “the Natural Resources Body for Wales,”;
- (b) for “or the Water Act 2003” substitute “, the Water Act 2003, the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) or the Natural Resources Body for Wales (Functions) Order 2012”.

(3) In subsection (4)(a), after “the Scottish Environment Protection Agency,” insert “the Natural Resources Body for Wales”.

133.—(1) In Schedule 25, paragraph 1 is amended as follows.

(2) After sub-paragraph (1)(a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In sub-paragraph (3), after “the Environment Agency,” insert “the Natural Resources Body for Wales;”.

(4) In sub-paragraph (6), after “the Environment Agency,” insert “the Natural Resources Body for Wales;”.

(5) In sub-paragraph (9)(a), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

(6) In sub-paragraph (11), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

Electricity Act 1989 (c. 29)

134. The Electricity Act 1989 is amended as follows.

135.—(1) Schedule 4 is amended as follows.

(2) In paragraph 3(1)(c), after “National Rivers Authority,” insert “the Natural Resources Body for Wales;”.

(3) In paragraph 4(1)(b), after “the Environment Agency,” insert “the Natural Resources Body for Wales;”.

136. In Schedule 9, in paragraph 2(2)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Town and Country Planning Act 1990 (c. 8)

137. The Town and Country Planning Act 1990 is amended as follows.

138. In section 200, after “Forestry Commissioners”, in each place where it occurs, insert “or the Natural Resources Body for Wales”.

139. In section 204, for each reference to the Forestry Commissioners substitute a reference to the Natural Resources Body for Wales.

140. In section 252(12)(i), after “Environment Agency” insert “and the Natural Resources Body for Wales”.

141. In section 262(3), after “Environment Agency,” insert “the Natural Resources Body for Wales;”

142. In section 265(3), at the end of paragraph (a), omit “and” and insert—

“(aa) in relation to the Natural Resources Body for Wales, means the Secretary of State or the Secretary of State for

Environment, Food and Rural Affairs;
and”.

143.—(1) In Schedule 5, paragraph 4 is amended as follows.

(2) For “Forestry Commission”, in each place where it occurs, substitute “appropriate body”.

(3) In sub-paragraph (4), for “Commission” substitute “appropriate body”.

(4) After sub-paragraph (5), insert—

“(6) In this paragraph “appropriate body” means—

(a) in relation to England, the Forestry Commission; and

(b) in relation to Wales, the Natural Resources Body for Wales.”

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

144. In section 91(3)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

Planning (Hazardous Substances) Act 1990 (c. 10)

145. In section 39(5) of the Planning (Hazardous Substances) Act 1990, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

Environmental Protection Act 1990 (c. 43)

146. The 1990 Act is amended as follows.

147.—(1) Section 30(1) is amended as follows.

(2) In paragraph (a), omit “and Wales” and the “and” at the end.

(3) After paragraph (a) insert—

“(aa) in relation to Wales, is a reference to the Natural Resources Body for Wales; and”.

(4) In the closing words, after “Environment Agency” insert “, the Natural Resources Body for Wales”.

148. In section 33A(5), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

149.—(1) Section 33B is amended as follows.

(2) In subsection (3), after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In subsection (4)—

- (a) after “Environment Agency” insert “, the Natural Resources Body for Wales”;
- (b) after “Agency” insert “, Body”.

150. In section 33C(10), in the definition of “relevant enforcement authority” after paragraph (a), omit “or” and insert—

“(aa) the Natural Resources Body for Wales, where the proceedings in respect of the offence have been brought by or on behalf of that Body, or”.

151. In section 34A(14), in the definition of “enforcement authority” after “Environment Agency” insert “, the Natural Resources Body for Wales”.

152.—(1) In section 34B(11), the definition of “enforcement authority” is amended as follows.

(2) In paragraph (a), at the end omit “or”.

(3) After paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, or”.

153. In section 36(7), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

154. In section 73A after subsection (1) insert—

“(1A) The Natural Resources Body for Wales must pay amounts received by it under section 34A above to the Welsh Ministers.”

155. In section 78A(9), in the definition of “the appropriate Agency”—

(a) in paragraph (a), omit “and Wales”;

(b) after paragraph (b) insert—

“(c) in relation to Wales, the Natural Resources Body for Wales;”.

156.—(1) Section 78L(1) is amended as follows.

(2) In paragraph (a), omit “in relation to land in England”.

(3) In paragraph (b), for “the Environment Agency in relation to land in Wales” substitute “the Natural Resources Body for Wales”.

157. In section 78U(1) for “in England and Wales or in Scotland” substitute “in England, Wales or Scotland”.

Coal Mining Subsidence Act 1991 (c. 45)

158. The Coal Mining Subsidence Act 1991 is amended as follows.

159. In section 36(8), in the definition of “the appropriate drainage authority”, in paragraph (a), after “the Environment Agency” insert “in relation to England or the Natural Resources Body for Wales in relation to Wales”.

160. In section 52(1), in the definition of “statutory undertakers”, in paragraph (b), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

Deer Act 1991 (c. 54)

161. In section 8(2) of the Deer Act 1991, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Water Industry Act 1991 (c. 56)

162. The Water Industry Act 1991 is amended as follows.

163.—(1) Section 3(4) is amended as follows.

(2) Before paragraph (a), insert—

“(za) the functions of the NRBW;”.

(3) Before “Environment Agency”, in the second place where it occurs, insert “the NRBW,”.

164. In section 4, for “the Countryside Council for Wales” and “the Council”, in each place where they occur, substitute “the NRBW”.

165.—(1) Section 5(4) is amended as follows.

(2) In paragraph (a), after “Agency” insert “and the NRBW”.

(3) In paragraph (b), omit “and the Countryside Council for Wales”.

166. In section 17F(7), after paragraph (d), insert—

“(da) on the NRBW;”.

167. In section 17G(4)(a), after sub-paragraph (iii), insert—

“(iiia) the NRBW;”.

168.—(1) Section 37A is amended as follows.

(2) In subsection (8)—

(a) in paragraph (a), after “Agency” insert “, if the plan (or revised plan) would affect water resources in England;”;

(b) after paragraph (a), insert—

“(aa) the NRBW, if the plan (or revised plan) would affect water resources in Wales;”.

(3) For subsection (9) substitute—

“(9) Before giving a direction under subsection (6)(b), the Secretary of State shall consult—

- (a) the Environment Agency, if the revised plan would affect water resources in England, and
- (b) the NRBW, if the revised plan would affect water resources in Wales.”

(4) After subsection (9) insert—

“(9A) Before giving a direction under subsection (6)(b), the Welsh Ministers shall consult—

- (a) the NRBW, if the revised plan would affect water resources in Wales, and
- (b) the Environment Agency, if the revised plan would affect water resources in England.”

169.—(1) Section 39B is amended as follows.

(2) In subsection (7)—

- (a) in paragraph (a), after “Agency” insert “, if the plan (or revised plan) would affect water resources in England;”;
- (b) after paragraph (a), insert—
 - “(aa) the NRBW, if the plan (or revised plan) would affect water resources in Wales;”.

(3) For subsection (11) substitute—

“(11) Before giving a direction under subsection (6)(b), the Secretary of State shall consult—

- (a) the Environment Agency, if the revised plan would affect water resources in England, and
- (b) the NRBW, if the revised plan would affect water resources in Wales.”

(4) After subsection (11), insert—

“(11A) Before giving a direction under subsection (6)(b), the Welsh Ministers shall consult—

- (a) the NRBW, if the revised plan would affect water resources in Wales, and
- (b) the Environment Agency, if the revised plan would affect water resources in England.”

170. In section 40, for subsection (5) substitute—

“(5) The Authority shall not make an order under this section unless it has first consulted—

- (a) the Environment Agency, if the order applies to a supply of water that would affect water resources in England;
- (b) the NRBW, if the order applies to a supply of water that would affect water resources in Wales.”

171. In section 40A, for subsection (3) substitute—

“(3) Before making any order under this section the Authority shall consult—

- (a) the Environment Agency, if the order applies to a bulk supply agreement that would affect water resources in England;
- (b) the NRBW, if the order applies to a bulk supply agreement that would affect water resources in Wales”.

172.—(1) Section 66F is amended as follows.

(2) In subsection (2), for the words from “the Secretary” to “Agency” substitute “the persons specified in subsection (2A)”.

(3) After subsection (2), insert—

“(2A) The persons specified for the purposes of subsection (2) are—

- (a) the Secretary of State (subject to subsections (3) and (4) below);
- (b) the Environment Agency, if the determination is in relation to a supply of water that would affect water resources in England;
- (c) the NRBW, if the determination is in relation to a supply of water that would affect water resources in Wales.”

173.—(1) Section 66G(4) is amended as follows.

(2) In paragraph (c), after “the Environment Agency” insert “, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is wholly in England”.

(3) After paragraph (c), insert—

- “(ca) the NRBW, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is wholly in Wales;
- (cb) the NRBW and the Environment Agency if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is partly in Wales and partly in England;”.

174.—(1) Section 66H(4) is amended as follows.

(2) In paragraph (c), after “the Environment Agency” insert “, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is wholly in England”.

(3) After paragraph (c), insert—

“(ca) the NRW, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is wholly in Wales;”

(cb) the NRW and the Environment Agency, if the request or proposed determination relates to an introduction of water to the supply system of a water undertaker whose area is partly in Wales and partly in England;” .

175.—(1) Section 71 is amended as follows.

(2) For “the Environment Agency” and “the Agency”, in each place where they occur, substitute “the appropriate agency”.

(3) After subsection (8), insert—

“(9) In this section “the appropriate agency” means—

(a) the Environment Agency, in relation to a well, borehole or other work in England;

(b) the NRW, in relation to a well, borehole or other work in Wales.”

176.—(1) Section 101A is amended as follows.

(2) In subsection (5)—

(a) in paragraph (a), after “the Environment Agency” insert “, if the guidance applies to premises in England”;

(b) after paragraph (a), insert—

“(aa) the NRW, if the guidance applies to premises in Wales;”.

(3) In subsections (7) to (10), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

(4) After subsection (10), insert—

“(11) In this section “the appropriate agency” means—

(a) the Environment Agency, in relation to disputes between sewerage undertakers and owners or occupiers of premises in England;

(b) the NRW, in relation to disputes between sewerage undertakers and

owners or occupiers of premises in Wales.”

177. In section 110A, for subsection (6) substitute—

“(6) The Authority shall not make an order under this section unless it has first consulted—

- (a) the Environment Agency, where the proposed main connection would discharge to a sewerage system that would dispose of that discharge to any controlled waters in England;
- (b) the NRBW, where the proposed main connection would discharge to a sewerage system that would dispose of that discharge to any controlled waters in Wales.”

178.—(1) Sections 120, 123, 127, 130 to 134 and 135A are amended as follows.

(2) For any reference to the Environment Agency (however framed), other than in section 132(2)(a)(zai) and (ai), substitute a reference to the appropriate agency.

179.—(1) Section 132 is amended as follows.

(2) In subsection (2)(a), before sub-paragraph (i), insert—

“(zai) where the Environment Agency is the appropriate agency, to the NRBW if the discharge or proposed discharge of special category effluent is from trade premises in England;

(ai) where the NRBW is the appropriate agency, to the Environment Agency if the discharge or proposed discharge of special category effluent is from trade premises in Wales;”.

(3) In subsection (3), for “the sewerage undertaker in question and on the person specified in subsection (2)(a)(ii)” substitute “any person consulted under subsection (2)(a)”.

180. In section 133(6), for “the sewerage undertaker in question and on the person specified in section 132(2)(a)(ii)” substitute “any person consulted under section 132(2)(a)”.

181. In section 141(1), in the appropriate place, insert—

““appropriate agency” means—

- (a) in relation to the discharge or proposed discharge of special category effluent to a public sewer that directly or indirectly discharges or is to discharge

(other than via a storm-water overflow sewer) that effluent to any controlled waters in England, the Environment Agency;

- (b) in relation to discharge or proposed discharge of special category effluent to a public sewer that directly or indirectly discharges or is to discharge (other than via a storm-water overflow sewer) that effluent to any controlled waters in Wales, the NRBW;”.

182. In section 156(4)(c) and (d), for “the Countryside Council for Wales”, in each place where it occurs, substitute “the NRBW”.

183.—(1) Section 161 is amended as follows.

(2) In subsection (3)(b), after “the Environment Agency”, in each place where it occurs, insert “or the NRBW”.

(3) In subsection (4), after “the Environment Agency” insert “, where the proposed works will affect any watercourse in England, and the NRBW, where the proposed works will affect any watercourse in Wales,”.

184.—(1) Section 166 is amended as follows.

(2) In subsection (1), for “the Environment Agency” substitute “the appropriate agency”.

(3) After subsection (9) insert—

“(10) In this section “the appropriate agency” means—

- (a) the Environment Agency, in relation to discharges of water in England;
- (b) the NRBW, in relation to discharges of water in Wales.”

185. In section 184(1), after “Environment Agency”, in both places where it occurs, insert “or the NRBW”.

186. In section 195(2)(bb), for “or the Environment Agency” substitute “, the Environment Agency or the NRBW”.

187. In section 202(6), after “the Environment Agency” insert “or on the Welsh Ministers with respect to the NRBW”.

188.—(1) Section 206 is amended as follows.

(2) In subsection (3)(a)—

- (a) after “the Scottish Environment Protection Agency,” insert “the NRBW,”;
- (b) for “or the Water Act 2003” substitute “the Water Act 2003, the Natural Resources Body for Wales (Establishment) Order 2012

(S.I. 2012/1903), or the Natural Resources Body for Wales (Functions) Order 2012”.

(3) In subsection (4)(a), after “the Environment Agency,” insert “the NRBW,”.

189. In section 209(3)(a), after “the Environment Agency,” insert “the NRBW,”.

190. In section 215(3)—

(a) after “the Environment Agency”, in the first place where it occurs, insert “or the NRBW”;

(b) after “the Environment Agency”, in the second place where it occurs, insert “or, as the case may be, the NRBW”.

191.—(1) Section 217 is amended as follows.

(2) In subsection (2), after “the Environment Agency”, in the first and second places where it occurs, insert “or the NRBW”.

(3) In subsection (3), after “the Environment Agency”, in each place where it occurs, insert “or the NRBW”.

(4) In subsection (4) after “the Environment Agency,” insert “on the NRBW,”.

(5) In subsection (7), after “the Environment Agency”, insert “or the NRBW”.

192.—(1) Section 219(1) is amended as follows.

(2) In the definition of “public authority”, after “Environment Agency,” insert “the NRBW,”.

(3) In the definition of “watercourse”, after “Environment Agency” insert “, the NRBW”.

(4) In the appropriate place, insert—

““the NRBW” means the Natural Resources Body for Wales;”.

193.—(1) Section 221 is amended as follows.

(2) In subsection (2), for “Environment Agency” substitute “appropriate agency”.

(3) In subsection (7), in the appropriate place, insert—

““the appropriate agency” means—

(a) in relation to any act or omission of the Crown in England, the Agency;

(b) in relation to any act or omission of the Crown in Wales, the NRBW;”.

194. In Schedule 1A, after paragraph 9(3)(c), insert—

“(ca) the NRBW;”.

195.—(1) In Schedule 11, paragraph 1(3) is amended as follows.

(2) In paragraph (a), after “Environment Agency” insert “, if the whole or any part of a relevant locality is in England”.

(3) After paragraph (a), insert—

“(aa) the NRBW, if the whole or any part of a relevant locality is in Wales;”.

196.—(1) In Schedule 13, paragraph 1 is amended as follows.

(2) In sub-paragraph (2), after “the Environment Agency”, in each place where it occurs, insert “or the NRBW”.

(3) In sub-paragraph (5)(a), after “the Environment Agency,” insert “the NRBW,”.

Water Resources Act 1991 (c. 57)

197. The Water Resources Act 1991 is amended as follows.

198.—(1) For any reference to the Agency substitute a reference to the appropriate agency, but this is subject to sub-paragraph (2).

(2) Sub-paragraph (1) does not apply to sections 15, 84(2), 118(1)(b), 119, 154 to 157, 158(1), 166(3), 169 to 172, 174, 184, 186, 188, 204, 208, 221, 222, 225, Schedule 8, Schedule 20 and paragraph 7(b) of Schedule 26.

199.—(1) Section 15 is amended as follows.

(2) In subsection (1)—

- (a) after “Agency”, in the first place where it occurs, insert “and the NRBW”;
- (b) for “its” substitute “their”;
- (c) after “Agency”, in the second place where it occurs, insert “or the NRBW, as the case may be,”.

(3) In subsection (2)—

- (a) in paragraph (a), for “or the Water Act 1989” substitute “, the Water Act 1989, the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) , or the Natural Resources Body for Wales (Functions) Order 2012”;
- (b) after “Agency”, in the first and second places where it occurs, insert “or the NRBW”;
- (c) after “Agency”, in the final place where it occurs, insert “and the NRBW”.

200. In section 20(1), after “section 6(2)” insert “or, as the case may be, section 6(2A)”.

201. In section 20A(1), after “section 6(2)” insert “or, as the case may be, section 6(2A)”.

202. In section 20C(1), after “section 6(2)” insert “or, as the case may be, section 6(2A)”.

203.—(1) Section 21 is amended as follows.

(2) In subsection (3)—

(a) before paragraph (a) insert—

“(za) if those waters are in Wales and there are related inland waters in England, the Agency;

(zb) if those waters are in England and there are related inland waters in Wales, the NRBW;”;

(b) in paragraph (e) omit “wholly or partly”.

204. In section 61A(3), after “(which confers powers to make schemes imposing charges)” insert “, as modified by subsection (9A) of that section,”.

205.—(1) Section 84(2) is amended as follows.

(2) For “the Agency” substitute “the appropriate agency”.

(3) At the end of paragraph (a) omit “and”.

(4) After paragraph (a) insert—

“(aa) in the case of the NRBW, to consult, in such cases as it may consider appropriate with the Agency in England; and”.

(5) In paragraph (b)—

(a) at the beginning insert “in the case of the Agency,”;

(b) at the end insert “or with the NRBW in Wales”.

206.—(1) Section 118(1) is amended as follows.

(2) At the end of paragraph (a) omit “and”.

(3) In paragraph (b)—

(a) before “shall be disregarded” insert “where the appropriate agency is the Agency,”;

(b) at the end, for “.” substitute “; and”.

(4) After paragraph (b) insert—

“(c) where the appropriate agency is the NRBW, shall be disregarded in determining the amount of any surplus for the purposes of article 13 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).”

207.—(1) Section 154 is amended as follows.

(2) In subsection (1), after “Agency”, in each place where it occurs, insert “or the NRBW”.

(3) In subsection (2), in paragraph (b)—

- (a) after “Agency”, in the first place where it occurs, insert “or, as the case may be, by the NRBW,”;
 - (b) after “Agency”, in the second place where it occurs, insert “or the NRBW”.
- (4) In subsections (3) and (4), after “Agency”, in each place where it occurs, insert “or the NRBW”.
- (5) In subsection (6)—
- (a) after “(incidental general powers of the Agency)” insert “or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903)”;
 - (b) after “on the Agency” insert “or the NRBW”;
 - (c) in paragraph (a), after “Agency” insert “or, as the case may be, the NRBW”.
- (6) After subsection (6) insert—
- “(7) In this section, in relation to the NRBW, references to functions have effect as references to relevant transferred functions.”

208.—(1) Section 155 is amended as follows.

- (2) In subsection (1)—
- (a) after “the Agency”, in the first and second places where it occurs, insert “or the NRBW”;
 - (b) after “the Agency”, in the third place where it occurs, insert “and the NRBW”;
 - (c) after “for the purpose of carrying out its functions” insert “or, as the case may be, its relevant transferred functions”.
- (3) In subsections (3) and (4), after “the Agency” insert “or, as the case may be, the NRBW”.
- (4) In subsection (5)—
- (a) after “the Agency”, in the first and second places where it occurs, insert “or, as the case may be, the NRBW”;
 - (b) in paragraph (b), after “the Agency”, in each place where it occurs, insert “or the NRBW”.
- (5) In subsection (6), after “the Agency” insert “or, as the case may be, the NRBW”.

209.—(1) Section 156 is amended as follows.

- (2) In subsection (1)—
- (a) after “(incidental general powers of the Agency)” insert “or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903)”;

- (b) after “the Agency”, in the second place where it occurs, insert “or, as the case may be, the NRBW,”;
 - (c) for “that section” substitute “those provisions”.
- (3) In subsection (2)—
- (a) after “(incidental general powers of the Agency)” insert “or article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903)”;
 - (b) after “the Agency”, in the second place where it occurs, insert “or, as the case may be, the NRBW,”.

210.—(1) Section 157 is amended as follows.

(2) In subsection (1), after “the Agency” insert “and the NRBW”.

(3) In subsection (2), after “the Agency” insert “or, as the case may be, the NRBW”.

(4) After subsection (6) insert—

“(7) In this section “compulsorily acquired land”, in relation to the NRBW, means any land of the NRBW which—

- (a) was acquired by the NRBW compulsorily under the provisions of section 154 above or of an order under section 168 below;
- (b) was acquired by the NRBW at a time when it was authorised under those provisions to acquire the land compulsorily; or
- (c) being land which has been transferred to the NRBW from the Agency in accordance with a scheme made under section 23 of the Public Bodies Act 2011, was compulsorily acquired land of the Agency within the meaning of subsection (6).”

211.—(1) Section 158(1) is amended as follows.

(2) After “section 37 of the 1995 Act (incidental powers of the Agency)” insert “, or (as the case may be) of the NRBW by virtue of article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (general incidental function of the Body) (S.I. 2012/1903),”.

(3) In paragraph (a), for “Agency’s” substitute “appropriate agency’s”.

(4) In paragraphs (a) and (c), for “Agency” substitute “appropriate agency”.

212. After section 168(8) insert—

“(9) In this section, in relation to the NRBW, references to functions have effect as references to relevant transferred functions.”

213.—(1) Section 169 is amended as follows.

(2) In subsection (1)—

- (a) for “or by the Agency”, substitute “, by the Agency, or by the NRBW,”;
- (b) in paragraph (a), after “Agency” insert “or of any relevant byelaws made by the NRBW”;
- (c) in paragraph (b), for “or the Agency” substitute “, the Agency, or the NRBW”.

(3) In subsection (3), after “Agency” insert “or the NRBW”.

(4) In subsection (4), after “Agency’s” insert “or the NRBW’s”.

(5) After subsection (4) insert—

“(5) In relation to the NRBW, the reference to functions in subsection (3) has effect as a reference to relevant transferred functions.

(6) In this section, “relevant byelaws” means byelaws made (or treated as if made) by the NRBW by or under any relevant transferred functions.”

214.—(1) Section 170 is amended as follows.

(2) In subsection (1), after “Agency” insert “or by the NRBW”.

(3) In subsection (2)(a)(i), after “Agency” insert “or the NRBW”.

(4) In subsection (3)—

- (a) after “Agency”, in the first place where it occurs, insert “or by the NRBW”;
- (b) after “Agency”, in the second place where it occurs, insert “or the NRBW”.

215.—(1) Section 171 is amended as follows.

(2) In subsection (1), after “Agency” insert “or by the NRBW”.

(3) In subsection (2), after “Agency”, in each place where it occurs, insert “or the NRBW”.

(4) In subsection (3)(c), after “Agency” insert “or the NRBW”.

(5) After subsection (5) insert—

“(6) In relation to the NRBW, the reference to functions in subsection (2)(a) has effect as a reference to relevant transferred functions.”

216.—(1) Section 172 is amended as follows.

(2) In subsection (1)—

- (a) for “or the Agency” substitute “, by the Agency, or by the NRBW”;
- (b) in paragraph (a), for “or on the Agency” substitute “, on the Agency, or on the NRBW,”.

(3) In subsections (2) and (3), for “or the Agency”, in each place where it occurs, substitute “, the Agency, or the NRBW,”.

(4) In subsection (3A), after “Agency’s” insert “or the NRBW’s”.

(5) In subsection (4), after “Agency” insert “or the NRBW”.

(6) After subsection (4) insert—

“(5) In relation to the NRBW, the reference to functions in subsection (4) has effect as a reference to relevant transferred functions.”

217. In section 174(1) and (2), after “Agency” insert “or by the NRBW”.

218. In section 184, for “the Agency”, in each place where it occurs, substitute “the NRBW”.

219.—(1) Section 186 is amended as follows.

(2) In subsection (1), at the appropriate place insert—

““relevant transferred functions” means any functions which—

- (a) were exercisable by the Agency before 1 April 2013, and
- (b) are functions of the NRBW by virtue of the Natural Resources Body for Wales (Functions) Order 2012,

but this is subject to subsection (1A).”

(3) After subsection (1) insert—

“(1A) For the purposes of the definition of “relevant transferred functions”—

- (a) a function of the Agency is exercisable whether or not the enactment conferring it has come into force before 1 April 2013, but
- (b) a function is only a relevant transferred function when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

(4) In subsection (3), after “the Agency” insert “or on the NRBW”.

220. For section 188 substitute—

“188 Duty of the Agency and NRBW to publish information

(1) The Agency must—

- (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England; and
- (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside England.

(2) The NRBW must—

- (a) collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in Wales; and
- (b) collaborate with others, so far as it considers it appropriate to do so, in collating and publishing any such information or any similar information in relation to places outside Wales.”

221.—(1) Section 204 is amended as follows.

(2) In subsection (2)(a)—

- (a) after “the Agency,” insert “the NRBW,”;
- (b) for “or the Water Act 2003” substitute “the Water Act 2003, the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), or the Natural Resources Body for Wales (Functions) Order 2012”.

(3) In subsection (3)(a) after paragraph (ia) insert—

“(ib) the NRBW;”.

222.—(1) Section 208 is amended as follows.

(2) In subsection (1)—

- (a) after “Agency”, in the first place where it occurs, insert “or the NRBW”;
- (b) after “Agency”, in the second place where it occurs, insert “or, as the case may be, the NRBW,”.

(3) In subsections (2), (3), (5) and (6), after “Agency”, in each place where it occurs, insert “or the NRBW”.

(4) In subsection (4)—

- (a) after “Agency” insert “or the NRBW”;
- (b) after “Agency’s” insert “or the NRBW’s”.

(5) Accordingly, the heading of section 208 becomes “Civil liability of the Agency or NRBW for escapes of water etc”.

223.—(1) Section 221(1) is amended as follows.

(2) After the definition of “analyse” insert—

““the appropriate agency” means:

- (a) in relation to Wales, the NRBW;
- (b) in any other case, the Agency;”.

(3) In the definition of “flood defence functions”—

- (a) for “the Agency”, in each place where it occurs (except in paragraph (b)) substitute “the appropriate agency”;
- (b) in paragraph (b) after “those functions” insert “of the appropriate agency which were previously”.

(4) After the definition of “notice” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

(5) In the definition of “public authority”, after “the Agency,” insert “the NRBW,”.

(6) In the definition of “watercourse”, after “Agency” insert “, the NRBW,”.

(7) After subsection (1) insert—

“(1A) For the purposes of the definition of “appropriate agency” in subsection (1), “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”

224.—(1) Section 222 is amended as follows.

(2) In subsection (2), for “Environment Agency” substitute “appropriate body”.

(3) In subsection (8)—

- (a) after “Agency’s” insert “or the NRBW’s”;
- (b) after “Agency” insert “or the NRBW”.

(4) In subsection (9), in the appropriate place, insert—

““the appropriate body” means—

- (a) in relation to any act or omission of the Crown in England, the Agency;
- (b) in relation to any act or omission of the Crown in Wales, the NRBW;”.

225. In Schedule 6, in paragraph 1(4) —

- (a) at the end of paragraph (g) insert “and”;
- (b) omit paragraph (h).

226.—(1) Schedule 8 is amended as follows.

(2) In paragraph 1(2), in the Table, in the entry relating to “All orders”, after paragraph (a) insert—

“(aa) The NRBW (where it is not the applicant).”

(3) In paragraph 2(7)—

- (a) after “Agency” insert “or in connection with relevant environmental functions of or in relation to the NRBW”;
- (b) before “, a local inquiry held under this paragraph” insert “as modified by subsection (4) of that section”.

227.—(1) Schedule 20 is amended as follows.

(2) In paragraph 6(3)(b), after “Agency” insert “or the NRBW”.

(3) In paragraph 8(1), for “or the Agency” substitute “, the Agency, or the NRBW”.

228. In Schedule 22, in paragraph 5, after “section 37 of the 1995 Act” insert “or, as the case may be, article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903)”.

Land Drainage Act 1991 (c. 59)

229. The Land Drainage Act 1991 is amended as follows.

230. In sections 2 to 10, for “Agency”, in each place where it occurs, substitute “appropriate supervisory body”.

231.—(1) Section 11 is amended as follows.

(2) In subsection (1), after “Agency”, in both places where it occurs, insert “or the Natural Resources Body for Wales”.

(3) In subsection (2), for “Agency”, in each place where it occurs, substitute “appropriate supervisory body”.

232. In section 14A(8)(b), for “Environment Agency” substitute “appropriate agency”.

233. In sections 16, 18 and 22(3)(b), for “Agency”, in each place where it occurs, substitute “appropriate agency”.

234.—(1) Section 23 is amended as follows.

(2) In subsection (1B), for “Environment Agency” substitute “appropriate agency”.

(3) In subsection (1C), for “Environment Agency” substitute “appropriate supervisory body”.

235. In sections 32 and 35(1), for “Agency”, in each place where it occurs, substitute “appropriate agency”.

236. In sections 36(1), 38, 39 and 47, for “Agency”, in each place where it occurs, substitute “appropriate supervisory body”.

237. In sections 56, 57 and 58, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

238. In section 59, after “Agency” insert “or the Natural Resources Body for Wales”.

239. In section 61A, for “Agency”, in each place where it occurs, substitute “appropriate supervisory body”.

240. In section 61B, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

241. In section 61C, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

242.—(1) Section 61E(4) is amended as follows.

(2) After paragraph (a), insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In paragraph (b), omit “and the Countryside Council for Wales”.

243. In section 61F, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

244.—(1) Section 67 is amended as follows.

(2) In subsection (2), after “Agency”, in each place where it occurs, insert “or the Natural Resources Body for Wales”.

(3) In subsection (5), for “Agency” substitute “appropriate agency”.

245. In section 70, after “Agency” insert “or the Natural Resources Body for Wales”.

246.—(1) Section 72 is amended as follows.

(2) In subsection (1)—

(a) in the appropriate place insert—

““the appropriate agency” means—

(a) in relation to England, the Agency;

(b) in relation to Wales, the Natural Resources Body for Wales;

“the appropriate supervisory body” means—

(a) in relation to internal drainage districts which are wholly or mainly in England, the Agency;

(b) in relation to internal drainage districts which are wholly or mainly in Wales, the Natural Resources Body for Wales.”;

(b) in the definition of “drainage body”, after “Agency,” insert “the Natural Resources Body for Wales,”.

(3) In subsection (6), after “Agency” insert “, the Natural Resources Body for Wales”.

(4) In subsection (8), after “Agency” insert “or the Natural Resources Body for Wales”.

247. In section 74(5), after “Agency” insert “or the Natural Resources Body for Wales”.

248. In Schedule 2, in paragraphs 4(1)(b) and 5(1)(b), for “Agency” substitute “appropriate supervisory body”.

249. In Schedule 4, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

250. In Schedule 6, in paragraph 1(1)(a), after “Agency,” insert “the Natural Resources Body for Wales,”.

Transport and Works Act 1992 (c. 42)

251. In section 6(7)(b) of the Transport and Works Act 1992, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Protection of Badgers Act 1992 (c. 51)

252. In section 10(4)(b) of the Protection of Badgers Act 1992, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Clean Air Act 1993 (c. 11)

253. The Clean Air Act 1993 is amended as follows.

254.—(1) Section 31 is amended as follows.

(2) In subsection (4)(b), for “Environment Agency” substitute “appropriate agency”.

(3) After subsection (5) insert—

“(6) In this section, “appropriate agency” means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the Natural Resources Body for Wales.”

255. In section 36(2A), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

256. In section 40, before paragraph (a) insert—

“(za) “appropriate authority” means—

(i) in relation to England, the Environment Agency;

(ii) in relation to Wales, the Natural Resources Body for Wales;”.

Cardiff Bay Barrage Act 1993 (c. 42)

257. The Cardiff Bay Barrage Act 1993 is amended as follows.

258. For any reference to the Countryside Council for Wales, substitute a reference to the Natural Resources Body for Wales.

259. For any reference to the Environment Agency, other than in section 2 and paragraphs 3 and 4(1)(c) of Schedule 3, substitute a reference to the Natural Resources Body for Wales.

260. In Schedule 3, in paragraph 7(1)(a), omit “, 3 or 4(1)(c)”.

Environment Act 1995 (c. 25)

261. The 1995 Act is amended as follows.

262.—(1) Section 4 is amended as follows.

(2) For “the Ministers consider” and “they consider”, in each place where they occur, substitute “the Secretary of State considers”.

(3) For “the Ministers shall”, in each place where it occurs, substitute “the Secretary of State shall”.

263.—(1) Before the heading to section 5, insert the following Chapter heading—

“Chapter 1A

General functions of the Agency and the
Natural Resources Body for Wales”.

(2) Sections 5 to 11 become Chapter 1A of Part 1.

264.—(1) Section 5 is amended as follows.

(2) For any reference to the Agency substitute a reference to the appropriate agency.

(3) In subsection (3), for “either of the Ministers” and “that Minister” substitute “the appropriate national authority”.

265.—(1) Section 6 is amended as follows.

(2) In subsection (1), for “the Agency”, in each place where it occurs, substitute “the appropriate agency”.

(3) In subsection (2), omit “and Wales” in each place where it occurs.

(4) After subsection (2) insert—

“(2A) The Natural Resources Body for Wales must take all such action as it may from time to time consider, in accordance with any directions given under article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), to be necessary or expedient for the purpose—

- (a) of conserving, redistributing or otherwise augmenting water resources in Wales; and
- (b) of securing the proper use of water resources in Wales (including the efficient use of those resources);

but nothing in this subsection shall be construed as relieving any water undertaker of the obligation to develop water resources for the purpose of performing any duty imposed on it by virtue of section 37 of the Water Industry Act 1991 (general duty to maintain water supply system).”

(5) In subsection (4), after “England and” insert “the Natural Resources Body for Wales shall in relation to”.

(6) In subsection (5), after “England and” insert “the Natural Resources Body for Wales’ flood defence functions shall extend to the territorial sea adjacent to”.

(7) In subsection (6), for “Agency” substitute “appropriate agency”.

(8) In subsection (7), omit “and Wales” in both places where it occurs.

(9) After subsection (7), insert—

“(7A) The area in respect of which the Natural Resources Body for Wales shall carry out its functions relating to fisheries shall be the whole of Wales, together with such part of the territorial sea adjacent to Wales as extends for six miles from the baselines from which the breadth of that sea is measured.”

(10) After subsection (8) insert—

“(8A) For the purposes of this section, the parts of the territorial sea which are adjacent to Wales, and which are therefore not adjacent to England, are the parts of the sea which are treated as adjacent to Wales for the purposes of section 158 of the Government of Wales Act 2006.”

266.—(1) Section 8 is amended as follows.

(2) In subsection (1)—

(a) in the opening words—

(i) omit “or the Countryside Council for Wales”;

(ii) omit “or, as the case may be, Wales”;

(b) in paragraph (b), for “Agency”, in each place where it occurs, substitute “appropriate agency”;

(c) in the closing words—

(i) for “the Agency or (as the case may be) the Council” substitute “Natural England”;

(ii) at the end, for “Agency” substitute “appropriate agency”.

(3) After subsection (1) insert—

“(1A) Where the Natural Resources Body for Wales is of the opinion that any area of land in Wales—

- (a) is of special interest by reason of its flora, fauna or geological or physiographical features, and
- (b) may at any time be affected by schemes, works, operations or activities of the Agency or by an authorisation given by the Agency,

the Natural Resources Body for Wales shall notify the fact that the land is of special interest for that reason to the Agency.”

(4) In subsection (2), for “Agency”, in each place where it occurs, substitute “appropriate agency”.

(5) In subsection (3)—

- (a) for “Agency”, in each place where it occurs, substitute “appropriate agency”;
- (b) after “subsection (1)” insert “, (1A)”.

(6) In subsection (4), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

267.—(1) Section 9 is amended as follows.

(2) In subsection (1)—

- (a) for “Each of the Ministers” substitute “The appropriate national authority”;
- (b) for “Agency”, in each place where it occurs, substitute “appropriate agency”;
- (c) for “sections 6(1), 7 and 8 above” substitute “the provisions specified in subsection (5)”.

(3) In subsection (2), for “section 6(1), 7 or 8 above, the Agency” substitute “the provisions specified in subsection (5), the appropriate agency”.

(4) In subsection (3)—

- (a) for “Neither of the Ministers shall” substitute “The Secretary of State shall not”;
- (b) in paragraph (b), omit “and the Countryside Council for Wales”;
- (c) in paragraph (d), omit “and the Sports Council for Wales”.

(5) After subsection (3) insert—

“(3A) The Welsh Ministers shall not make an order under this section unless they have first consulted—

- (a) the Natural Resources Body for Wales;
- (b) the Sports Council for Wales; and

(c) such other persons as they consider it appropriate to consult.”

(6) In subsection (4)—

- (a) omit “of each of the Ministers”;
- (b) at the end, insert “(in the case of an order made by the Secretary of State) or of the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”.

(7) After subsection (4) insert—

“(5) The provisions referred to in subsections (1) and (2) are—

- (a) in relation to the Agency, sections 6(1), 7 and 8;
- (b) in relation to the Natural Resources Body for Wales—
 - (i) sections 6(1) and 8; and
 - (ii) articles 5A, 5C, 5D, 5E and 5G of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).”

268. After section 9 insert—

“Cooperation with the Natural Resources Body for Wales

9A. The Agency must cooperate and coordinate with the Natural Resources Body for Wales as may be appropriate in the circumstances.”

269.—(1) Section 10 is amended as follows.

(2) In the heading, after “Agency” insert “and the Natural Resources Body for Wales”.

(3) For “Agency”, in each place where it occurs other than in subsection (1)(a), substitute “appropriate agency”.

(4) In subsection (1)—

- (a) in paragraph (a) omit “and”;
- (b) after paragraph (a) insert—
 - “(aa) for the purposes of article 9 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), in relation to the Natural Resources Body for Wales; and”;
- (c) after “described in paragraphs (a)” insert “, (aa)”.

270. In the heading to Chapter 3 of Part 1, after “the New Agencies” insert “and the Natural Resources Body for Wales”.

271.—(1) Section 40 is amended as follows.

(2) After subsection (8) insert—

“(9) For the purposes of this section, the “appropriate Minister” in relation to the Agency is—

- (a) in any case not falling within paragraph (b), the Secretary of State;
- (b) in the case of a direction under subsection (1)—
 - (i) which would have any effect in Wales, or
 - (ii) which relates to water resources management, water supply, rivers or other watercourses, control of pollution of water resources, sewerage or land drainage, and which would have any effect in the catchment areas of the rivers Dee, Wye and Severn,

the Secretary of State or the Welsh Ministers.

(10) The Secretary of State may give a direction falling within subsection (9)(b) only after consulting the Welsh Ministers.

(11) The Welsh Ministers may give a direction under this section only with the consent of the Secretary of State.”

272. In section 41, after subsection (9) insert—

“(9A) In this section, other than in subsection (9), any reference to the Agency or to a new Agency includes the Natural Resources Body for Wales.

(9B) The Natural Resources Body for Wales may not make a charging scheme unless the provisions of the scheme have been approved by the Welsh Ministers under section 42.”

273.—(1) Section 42 is amended as follows.

(2) In subsection (3), after paragraph (b) insert—

“(c) in the case of licences granted by the Agency under Chapter II of Part II of the 1991 Act (abstraction and impounding), which the Natural Resources Body for Wales incurs in carrying out its functions under Part II of that Act or section 6(2A) above in the catchment areas of the rivers Dee, Wye and Severn for purposes connected with abstractions from waters in England,”.

(3) After subsection (9) insert—

“(9A) If and to the extent that any sums recovered by the Agency by way of charges

prescribed by charging schemes may fairly be regarded as so recovered for the purpose of recovering the amount required to meet (whether in whole or in part) such of the costs and expenses incurred by the Natural Resources Body for Wales as fall within subsection (3) above, the Agency shall pay those sums to the Natural Resources Body for Wales.”

(4) In subsection (10), “for subsection (9)” substitute “subsections (9) and (9A)”.

(5) After subsection (11), insert—

“(12) In this section—

- (a) references to a new Agency include the Natural Resources Body for Wales;
- (b) in relation to a charging scheme proposed or made by the Natural Resources Body for Wales—
 - (i) references to the Secretary of State have effect as references to the Welsh Ministers;
 - (ii) in subsection (4)(a), the reference to section 44 has effect as a reference to article 13 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903);
- (c) in subsection (5), references to the Agency include the Natural Resources Body for Wales.”

274.—(1) In section 53, after subsection (3) insert—

“(4) In subsections (1) and (2)—

- (a) references to a new Agency and to the Agency include the Natural Resources Body for Wales;
- (b) in relation to the Natural Resources Body for Wales, the references to the appropriate Minister and to the Secretary of State or the Minister have effect as references to the Welsh Ministers; and
- (c) in relation to the Natural Resources Body for Wales and the Welsh Ministers, references to functions have effect as references to relevant environmental functions.

(5) In subsection (4)(c), “relevant environmental functions” means—

- (a) functions conferred by or under the enactments listed in section 5(5); and
- (b) any functions relating to water resources, flood and coastal erosion risk management or fisheries.”

275.—(1) Section 56(1) is amended as follows.

(2) Before the definition of “the appropriate Minister” insert—

““the appropriate agency” means the Agency or the Natural Resources Body for Wales;”.

(3) After the definition of “the appropriate Ministers” insert—

““the appropriate national authority” means—

(a) in relation to the Agency, the Secretary of State;

(b) in relation to the Natural Resources Body for Wales, the Welsh Ministers;”.

(4) In—

(a) the definition of “environmental licence” which applies in relation to the Agency; and

(b) the definition of “flood defence functions”,

for “Agency”, in each place where it occurs, substitute “appropriate agency”.

276. In section 66(7)(a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

277. In section 72(2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

278. In section 81(2), after paragraph (a) omit “or” and insert—

“(aa) in the case of the Natural Resources Body for Wales, the functions conferred on it by or under the enactments listed in section 5(5) above;”.

279.—(1) Section 91(1) is amended as follows.

(2) In the definition of “the appropriate new Agency”—

(a) in paragraph (a) omit “and Wales”;

(b) after paragraph (a) insert—

“(aa) in relation to Wales, the Natural Resources Body for Wales;”.

(3) In the definition of “new Agency”, after “the Agency” insert “, the Natural Resources Body for Wales”.

280.—(1) Section 94 is amended as follows.

(2) In subsection (3)—

(a) for “either new Agency” substitute “a new Agency”;

- (b) for “the other of them” substitute “any other of them”.
- (3) In subsection (6)—
 - (a) in the definition of “the appropriate Agency”—
 - (i) in paragraph (a) omit “and Wales”;
 - (ii) after paragraph (b) insert—
 - “(c) in relation to Wales, the Natural Resources Body for Wales;”;
 - (b) in the definition of “new Agency” for “or SEPA” substitute “, SEPA or the Natural Resources Body for Wales”.

281.—(1) Section 108 is amended as follows.

(2) In subsections (2) and (3), after “the Agency”, in each place where it occurs, insert “, the Natural Resources Body for Wales”.

- (3) In subsection (15)—
 - (a) in the definition of “enforcing authority”, after paragraph (a) insert—
 - “(aa) the Natural Resources Body for Wales;”;
 - (b) in the definition of “pollution control functions” which applies in relation to the Agency and SEPA—
 - (i) in the opening words, after “the Agency” insert “, the Natural Resources Body for Wales”;
 - (ii) in the closing words, after “the Agency” insert “or the Natural Resources Body for Wales”.

282. In section 111(5), in the definition of “environmental licence”, after “the Agency” insert “, the Natural Resources Body for Wales”.

283.—(1) Section 113 is amended as follows.

- (2) In subsection (1)—
 - (a) in paragraph (a), for “the other” substitute “another”;
 - (b) at the end of paragraph (b), omit “or”;
 - (c) after paragraph (c) insert “or” and—
 - “(d) by the Natural Resources Body for Wales to the Forestry Commissioners;”;
 - (d) in the closing words, for “either” substitute “any”.
- (3) In subsection (5), in the definition of “new Agency”, after “the Agency” insert “, the Natural Resources Body for Wales”.

284. In section 115(3), after “the Agency” insert “, the Natural Resources Body for Wales”.

285.—(1) Schedule 7 is amended as follows.

(2) In paragraph 4(1), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) In paragraph 14(3), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

286. In Schedule 20, in paragraph 5(1)(c), after “the Agency” insert “or the Natural Resources Body for Wales, as appropriate”.

Finance Act 1996 (c. 8)

287. The Finance Act 1996 is amended as follows.

288. In section 70(1), after the definition of “material” insert—

““the Natural Resources Body for Wales” means the body established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903);”.

289. In Schedule 5, in paragraph 35(1), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

Government of Wales Act 1998 (c. 38)

290. The Government of Wales Act 1998 is amended as follows.

291. In Part 3 of Schedule 4, omit paragraph 15.

292. In Schedule 7, omit paragraphs 1 and 2.

Pollution Prevention and Control Act 1999 (c. 24)

293. The Pollution Prevention and Control Act 1999 is amended as follows.

294.—(1) Section 2(4) is amended as follows.

(2) In paragraph (a) omit “or Wales”.

(3) After paragraph (a) insert—

“(aa) the Natural Resources Body for Wales if the regulations are to apply in relation to Wales;”.

295. In section 3(4)(a), after “Environment Agency” insert “, Natural Resources Body for Wales”.

Care Standards Act 2000 (c. 14)

296. In Schedule 2A to the Care Standards Act 2000, in paragraph 15, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

Regulation of Investigatory Powers Act 2000 (c. 23)

297. In Part 1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000, after paragraph 18 insert—

“**18A.** The Natural Resources Body for Wales.”

Freedom of Information Act 2000 (c. 36)

298.—(1) Part 6 of Schedule 1 to the Freedom of Information Act 2000 is amended as follows.

(2) Omit “The Countryside Council for Wales.”

(3) In the appropriate place insert “The Natural Resources Body for Wales”.

Countryside and Rights of Way Act 2000 (c. 37)

299. The Countryside and Rights of Way Act 2000 is amended as follows.

300. In Parts 1 and 2, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

301.—(1) Section 21 is amended as follows.

(2) In subsection (6)(a), after “any land” insert “in England”.

(3) After subsection (6) insert—

“(6A) Where—

(a) it appears to the Natural Resources Body for Wales that any land in a National Park in Wales which is dedicated for the purposes of this Part under section 16 consists wholly or predominantly of woodland, and

(b) the Natural Resources Body for Wales give to the relevant National Park Authority who are apart from this subsection the relevant authority for the purposes of this Chapter in relation to the land a notice stating that the Natural Resources Body for Wales are to be the relevant authority for those purposes as from a date specified in the notice,

the Natural Resources Body for Wales shall as from that date become the relevant authority in

relation to that land for those purposes, but subject to subsection (7A).”

(4) In subsection (7), after “any land” insert “in England”.

(5) After subsection (7) insert—

“(7A) Where it appears to the Natural Resources Body for Wales that any land in relation to which they are by virtue of subsection (6A) the relevant authority for the purposes of this Chapter has ceased to consist wholly or predominantly of woodland, the Natural Resources Body for Wales may, by giving notice to the National Park Authority who would apart from subsection (6A) be the relevant authority, revoke the notice under subsection (6A) as from a date specified in the notice under this subsection.”

302. In section 33(2), after paragraph (a) omit “and” and paragraph (b).

303. In section 82(2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

304. In Part 4, other than in section 92(1), for “the Council”, in each place where it occurs, substitute “the NRBW”.

305. In section 83(3), for “Council” substitute “the NRBW”.

306. In section 84(1)(a), for “Council” substitute “the NRBW”.

307.—(1) Section 92(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) After the definition of “local authority” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

308.—(1) Part 2 of Schedule 1 is amended as follows.

(2) In paragraph 14(1), in the definition of “statutory undertaker”, after “Environment Agency” insert “, the Natural Resources Body for Wales”.

309. In Schedule 6, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

310. In Schedule 13, in paragraph 6(2), for “the Council” substitute “the NRBW”.

Waste and Emissions Trading Act 2003 (c. 33)

311. In section 19(4)(a) of the Waste and Emissions Trading Act 2003, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Water Act 2003 (c. 37)

312. The Water Act 2003 is amended as follows.

313. In sections 3, 4, 7, 10, 27, 33(3), 102 and 103, for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

314.—(1) Section 33(5) is amended as follows.

(2) After “Environment Agency” insert “or of the Natural Resources Body for Wales, whether framed by reference to the appropriate agency or otherwise,”.

(3) After “the Agency’s” insert “or, as the case may be, the Natural Resources Body for Wales’,”.

315.—(1) Section 52 is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales,”.

(3) In subsection (3), for paragraph (c) substitute—

“(c) in the case of the Environment Agency and the Natural Resources Body for Wales, to their functions concerning water resources and water pollution so far as they relate to water and sewerage undertakers and licensed water suppliers.”

316. In section 105(2), after paragraph (b) insert—

“(ba) “the appropriate agency” has the meaning given by section 221 of the WRA,”.

Energy Act 2004 (c. 20)

317. The Energy Act 2004 is amended as follows.

318. In section 14(3)(g), after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

319.—(1) Schedule 2 is amended as follows.

(2) In paragraph 4(2), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

(3) In paragraph 5(9), after paragraph (c) insert—

“(ca) the Natural Resources Body for Wales;”.

320.—(1) Schedule 3 is amended as follows.

(2) In paragraph 2(1), after paragraph (b) insert—

“(ba) the Natural Resources Body for Wales;”.

(3) In paragraph 3(8), after paragraph (c) insert—

“(ca) the Natural Resources Body for Wales;”.

Civil Contingencies Act 2004 (c. 36)

321. In Part 1 of Schedule 1 to the Civil Contingencies Act 2004, after paragraph 12 insert—

“**12A.** The Natural Resources Body for Wales.”

Public Services Ombudsman (Wales) Act 2005 (c. 10)

322. In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

Natural Environment and Rural Communities Act 2006 (c. 16)

323. The Natural Environment and Rural Communities Act 2006 is amended as follows.

324. In section 32(1)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

325. In section 42(2) and (4), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Commons Act 2006 (c. 26)

326. In Schedule 1 to the Commons Act 2006, in paragraph 1(1)(c) and (2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Commissioner for Older People (Wales) Act 2006 (c. 30)

327. In Schedule 2 to the Commissioner for Older People (Wales) Act 2006, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

Government of Wales Act 2006 (c. 32)

328. The Government of Wales Act 2006 is amended as follows.

329.—(1) Section 148(2) is amended as follows.

(2) Omit paragraph (b).

(3) After paragraph (k) insert—

“(ka) the Natural Resources Body for Wales,”.

330. In section 152(6), after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, if concerned in the case,”.

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

331.—(1) Schedule 5 to the Regulatory Enforcement and Sanctions Act 2008 is amended as follows.

(2) Omit “Countryside Council for Wales”.

(3) In the appropriate place insert “Natural Resources Body for Wales”.

Marine and Coastal Access Act 2009 (c. 23)

332. The Marine and Coastal Access Act 2009 is amended as follows.

333. In section 16(1), after paragraph (e) insert—

“(f) the Natural Resources Body for Wales.”

334. In section 147(1), in the definition of “the appropriate statutory conservation body”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

335. In section 149(3), after paragraph (f) insert—

“(g) the Natural Resources Body for Wales, in a case where, if the order were made, the IFC district established by the order would adjoin the Welsh inshore region,”.

336. In section 152(2), after paragraph (g) insert—

“(h) the Natural Resources Body for Wales, in a case where the IFC district established by the order adjoins the Welsh inshore region,”.

337. In section 168(1), after paragraph (b) insert—

“(c) the Natural Resources Body for Wales.”

338.—(1) Section 232 is amended as follows.

(2) In subsections (1) and (5), for “the Environment Agency” substitute “the appropriate agency”.

(3) In subsection (5), in paragraphs (h)(iii) and (j), for “the Agency” substitute “the appropriate agency”.

(4) In subsection (8), before the definition of “appropriate national authority” insert—

““appropriate agency” means—

- (a) the Environment Agency, otherwise than in relation to Wales, and
- (b) the Natural Resources Body for Wales, in relation to Wales;”.

339. In section 238(3), after paragraph (c) insert—

“(ca) byelaws made by the Natural Resources Body for Wales under Schedule 25 to the Water Resources Act 1991;”.

340. Omit section 313.

Equality Act 2010 (c. 15)

341.—(1) Schedule 19 to the Equality Act 2010 is amended as follows.

(2) In Part 2, omit “The Countryside Council for Wales or Cyngor Cefn Gwlad Cymru”.

(3) In Part 4, under the sub-heading “Cross-border Welsh authorities” insert “The Natural Resources Body for Wales—A”.

Flood and Water Management Act 2010 (c. 29)

342. The Flood and Water Management Act 2010 is amended as follows.

343.—(1) Section 6 is amended as follows.

(2) In subsection (13) after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

(3) In subsection (15)(a), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

344. In section 13(8), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

345.—(1) Section 14 is amended as follows.

(2) In subsection (2)—

(a) at the end of paragraph (a) omit “and”;

(b) after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, and”.

346. In section 15(10)(b)(ii), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

347.—(1) Section 17 is amended as follows.

(2) In subsection (1), after “an area” insert “in England”.

(3) After subsection (1) insert—

“(1A) The Natural Resources Body for Wales may issue levies to the lead local flood authority for an area in Wales in respect of the Natural Resources Body for Wales’ flood and coastal erosion risk management functions in that area.”

(4) In subsection (3), for “Agency shall” substitute “Agency and the Natural Resources Body for Wales shall each”.

348.—(1) Section 18 is amended as follows.

(2) For the heading substitute—

“18 Reports about flood and coastal erosion risk management”.

(3) In subsection (1), at the end insert “in England”.

(4) After subsection (1) insert—

“(1A) The Natural Resources Body for Wales must report to the Minister about flood and coastal erosion risk management in Wales.”

349.—(1) Section 22 is amended as follows.

(2) In subsection (1), for “Environment Agency” substitute “appropriate agency”.

(3) In subsection (2), for “Agency” substitute “appropriate agency”.

(4) After subsection (2) insert—

“(3) The functions of the appropriate agency under subsection (1)(a) are, in any case affecting both a region that is wholly or mainly in England and a region that is wholly or mainly in Wales, exercisable by the Environment Agency and the Natural Resources Body for Wales acting jointly.”

350.—(1) Section 23 is amended as follows.

(2) In subsection (1), for “Environment Agency” substitute “appropriate agency”.

(3) For any reference to the Agency substitute a reference to the appropriate agency.

351.—(1) Section 25 is amended as follows.

(2) In subsection (1), for “Environment Agency” substitute “appropriate agency”.

(3) In subsection (2), for “Agency” substitute “appropriate agency”.

352. After section 26 insert—

“26A “The appropriate agency”

In this group of sections, “the appropriate agency” means—

- (a) the Environment Agency in relation to English Committees, and
- (b) the Natural Resources Body for Wales in relation to Welsh Committees.”

353.—(1) Section 38 is amended as follows.

(2) In the heading and subsections (1) and (7), for “Environment Agency” substitute “appropriate agency”.

(3) For any reference to the Agency substitute a reference to the appropriate agency.

(4) In subsection (4), before paragraph (a) insert—

“(za) the other appropriate agency, if—

- (i) the work is carried out in its area, or
- (ii) consequences of the kinds listed in subsection (1) are, in the opinion of the appropriate agency carrying out the work, likely to occur in the area of the other appropriate agency,”.

(5) After subsection (10) insert—

“(10A) In this section “the appropriate agency” means—

- (a) the Environment Agency, in relation to work for the benefit of England, and
- (b) the Natural Resources Body for Wales, in relation to work for the benefit of Wales.”

354.—(1) Section 39 is amended as follows.

(2) In subsections (4) and (8), for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) After subsection (14) insert—

“(14A) In this section, “the appropriate agency” means—

- (a) the Environment Agency, in relation to work in England, and
- (b) the Natural Resources Body for Wales in relation to work in Wales.”

355. In Schedule 1, in paragraph 1, after paragraph (a) insert—

“(aa) the Natural Resources Body for Wales,”.

356.—(1) In Schedule 3, paragraph 11(3) is amended as follows.

(2) In paragraph (b), after “watercourse” insert “in England”.

(3) After paragraph (b) insert—

“(ba) the Natural Resources Body for Wales, if the drainage system directly or indirectly involves the discharge of water into a watercourse in Wales;”.

357.—(1) In Schedule 4, in the provisions of the Reservoirs Act 1975 to be inserted by that Schedule, for “Environment Agency” and “Agency”, in each place where they occur, substitute “appropriate agency”.

PART 2

Local Acts

Interpretation

358. In this Part, a “relevant reference” (“*cyfeiriad perthnasol*”) means a reference which has effect as a reference to the Environment Agency.

Dee Conservancy Act 1889 (c. clvi)

359. In the Dee Conservancy Act 1889, any relevant reference is to be treated as a reference to the Natural Resources Body for Wales.

Dee and Clwyd River Authority Act 1973 (c. xxix)

360. In the Dee and Clwyd River Authority Act 1973, any relevant reference is to be treated as a reference to the Environment Agency and the Natural Resources Body for Wales acting jointly.

ASSEMBLY MEASURES

Children and Families (Wales) Measure 2010 (nawm 1)

1. In section 6(1)(f) of the Children and Families (Wales) Measure 2010, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Waste (Wales) Measure 2010 (nawm 8)

2. The Waste (Wales) Measure 2010 is amended as follows.

3. In sections 8(1)(a), 11(1)(a) and 16(1)(a), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Welsh Language (Wales) Measure 2011 (nawm 1)

4.—(1) In Schedule 6 to the Welsh Language (Wales) Measure 2011, the table is amended as follows.

(2) Omit the entries relating to the Countryside Council for Wales and the Environment Agency.

(3) In the appropriate place insert—

<p>“The Natural Resources Body for Wales (<i>“Corff Adnoddau Naturiol Cymru”</i>)</p>	<p>Service delivery standards Policy making standards Operational standards Record keeping standards”</p>
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UK STATUTORY INSTRUMENTS

Burry Inlet Cockle Fishery Order 1965

1. The Burry Inlet Cockle Fishery Order 1965(1) is amended as follows.

2. For any reference to the Agency, other than in article 2(1), substitute a reference to the NRBW.

3. In article 2(1), for “the Environment Agency (hereinafter referred to as “the Agency”)” substitute “the Natural Resources Body for Wales (hereinafter referred to as “the NRBW”)”.

Salmon and Migratory Trout (Restrictions on Landing) Order 1972

4.—(1) Article 4 of the Salmon and Migratory Trout (Restrictions on Landing) Order 1972(2) is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) After paragraph (1) insert—

“(2) For the purposes of paragraph (1), in relation to Wales, “River Authority” means the Natural Resources Body for Wales.”

Plant Varieties and Seeds Tribunal Rules 1974

5. The Plant Varieties and Seeds Tribunal Rules 1974(3) are amended as follows.

6.—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “respondent authority”, in paragraph (a), for “the Forestry Commissioners;” substitute—

“—

(i) the Forestry Commissioners, where the appeal is made against their decision;

(ii) the Welsh Ministers, where the appeal is made against their decision;”.

7.—(1) In Schedule 1, Form 8 is amended as follows.

(2) In paragraph 1(c), for “the Forestry Commissioners” substitute “(the Forestry Commissioners) (or the Welsh Ministers)”.

(1) S.I. 1965/1235.

(2) S.I. 1972/1966 as amended by S.I. 1975/639, S.I. 1983/58.

(3) S.I. 1974/1136 as amended by S.I. 2002/3198, Constitutional Reform Act 2005 (c. 4), Schedule 4, Part 1, paragraph 80, S.I. 2008/2683.

Forestry (Felling of Trees) Regulations 1979

8. The Forestry (Felling of Trees) Regulations 1979(1) are amended as follows.

9. In regulation 3(1)—

- (a) in the definition of “the conservator”, after “the Commissioners” insert “or the NRBW’s”;
- (b) at the end, insert—
““the NRBW” means the Natural Resources Body for Wales.”

10. In regulations 4, 6, 7, 8A, 9, 10, 12, 13 and 15, after “the Commissioners” insert “or the NRBW”.

11. In regulation 6 after “the Commissioners” insert “or the NRBW’s”.

12. In regulation 16 after “the Commissioners” insert “, the NRBW”.

13.—(1) In Schedule 1, each of the forms except forms 2 and 11 are amended as follows.

(2) After “the Forestry Commissioners”, in each place where it occurs, insert “*”.

(3) After “the Commissioners”, in each place where it occurs, insert “*”.

(4) After “Forestry Commission”, in each place where it occurs, insert “*”.

(5) At the end of the form insert—

“* in relation to Wales, “the NRBW” must be substituted for “the Forestry Commissioners”, “the Commissioners” and “Forestry Commission” in this form”.

Forestry (Exceptions from Restriction of Felling) Regulations 1979

14.—(1) Regulation 4(5) of the Forestry (Exceptions from Restriction of Felling) Regulations 1979(2) is amended as follows.

(2) After “the Commissioners”, in the first place where it occurs, insert “or the Natural Resources Body for Wales”.

(3) After “the Commissioners”, in the second place where it occurs, insert “, the Natural Resources Body for Wales”.

(4) In sub-paragraph (a)(ii)—

- (a) after “approved by the” omit “Forestry”;

(1) S.I. 1979/791 as amended by S.I. 1987/632, S.I. 2003/2155.
(2) S.I. 1979/792 as amended by S.I. 1986/1356, S.I. 1990/526, S.I. 1996/252, S.I. 1998/603, Utilities Act 2000 (c. 27), section 76(7).

(b) after “Commissioners” insert “or the Natural Resources Body for Wales”.

(5) In sub-paragraph (b) after “the Commissioners”, in both places where it occurs, insert “or the Natural Resources Body for Wales”.

Forestry Commission Byelaws 1982

15. The Forestry Commission Byelaws 1982(1) are amended as follows.

16.—(1) Byelaw 2 is amended as follows.

(2) Before the definition of “the Arboretum” insert—

““the appropriate forestry authority” means—

(a) in relation to England, the Commissioners;

(b) in relation to Wales, the Natural Resources Body for Wales;”.

(3) For “the Commissioners”, in each place where it occurs, substitute “the appropriate forestry authority”.

17. In byelaws 3 to 7, for “the Commissioners”, in each place where it occurs, substitute “the appropriate forestry authority”.

18. In Schedule 1, omit “In the County of Gwent, the part of Monmouth Community which is situated east of River Wye”.

Drought Orders (Inquiries Procedure) Rules 1984

19.—(1) Rule 3 of the Drought Orders (Inquiries Procedure) Rules 1984(2) is amended as follows.

(2) After the definition of “appointed person” insert—

““appropriate authority” means—

(a) the Environment Agency, in relation to England;

(b) the Natural Resources Body for Wales, in relation to Wales;”.

(3) In the definition of “the authority”, for “regional water authority” substitute “appropriate authority”.

Control of Pesticides Regulations 1986

20.—(1) Schedule 4 to the Control of Pesticides Regulations 1986(3) is amended as follows.

(1) S.I. 1982/648.

(2) S.I. 1984/999 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1); modified by S.I. 2000/253.

(3) S.I. 1986/1510 as amended by S.I. 1997/188, S.I. 2001/880, S.I. 2011/2131.

(2) In paragraph 2(1)(b), for “England and Wales)” substitute “England), the Natural Resources Body for Wales (if the area in which the aerial application is to take place is in Wales)”.

(3) In paragraph 6, in the definition of “appropriate nature conservation agency”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Sludge (Use in Agriculture) Regulations 1989

21. The Sludge (Use in Agriculture) Regulations 1989(1) are amended as follows.

22. In regulations 7(1) and 8(2), and in Schedule 2, in paragraph 2(2)(c), after “Scottish Environment Protection Agency”, in each place where it occurs, insert “or, in Wales, the Natural Resources Body for Wales”.

23. In regulation 11(1), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Road Vehicles Lighting Regulations 1989

24.—(1) Regulation 3 of the Road Vehicles Lighting Regulations 1989(2) is amended as follows.

(2) In the Table, in the definition of “emergency vehicle”, in column 2, after sub-paragraph (d) insert—

“(dd) a vehicle owned by the Natural Resources Body for Wales for the purposes of its functions relating to forestry and woodlands and used from time to time for the purposes of fighting fires;”.

General Drainage Charges (Forms) Regulations 1990

25. The General Drainage Charges (Forms) Regulations 1990(3) are amended as follows.

26. In regulations 2 and 3, after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

27. In the Schedule, in Forms 1 and 2, after “the Environment Agency”, in each place where it occurs, insert “or the Natural Resources Body for Wales”.

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- (1) S.I. 1989/1263 as amended by S.I. 1990/880, S.I. 1996/593, S.I. 2000/656, S.I. 2010/1820 (W. 177).
- (2) S.I. 1989/1796 as amended by S.I. 1992/1217, S.I. 1994/2280, S.I. 1994/2567, S.I. 1996/3016, S.I. 2001/560, S.I. 2005/2559, S.I. 2005/2929 (W. 214), S.I. 2005/3169, S.I. 2006/594, S.I. 2006/1914, S.I. 2008/1277, S.I. 2009/3220, S.I. 2010/1172, S.I. 2011/935.
- (3) S.I. 1990/564 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).

Planning (Hazardous Substances) Regulations 1992

28.—(1) Regulation 10(1) of the Planning (Hazardous Substances) Regulations 1992(1) is amended as follows.

(2) In sub-paragraph (e), after “Environment Agency” insert “where the land to which the application relates is in England”.

(3) After sub-paragraph (e) insert—

“(ea) the Natural Resources Body for Wales, where the land to which the application relates is in Wales;

(4) In sub-paragraph (l), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Town and Country Planning (Control of Advertisements) Regulations 1992

29. In regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations 1992(2), in the definition of “statutory undertaker”, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

Housing (Right to Buy) (Prescribed Persons) Order 1992

30. In the Schedule to the Housing (Right to Buy) (Prescribed Persons) Order 1992(3), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

General Drainage Charges (Relevant Quotient) Regulations 1993

31.—(1) Regulation 3 of the General Drainage Charges (Relevant Quotient) Regulations 1993(4) is amended as follows.

(2) After “issued by the Environment Agency” insert “or the Natural Resources Body for Wales”.

(3) For “Environment Agency (Levies) Regulations 1993” substitute “Flood and Coastal Erosion Risk

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- (1) S.I. 1992/656 as amended by S.I. 1994/2567, Environment Act 1995, section 120(1), Schedule 22, paragraph 233(1), S.I. 1996/252, S.I. 1999/981, S.I. 2005/1082, S.I. 2006/1388 (W. 138), S.I. 2010/450 (W. 48).
- (2) S.I. 1992/666 as amended by S.I. 1994/2351, Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1), S.I. 1996/252, S.I. 1996/525, S.I. 1999/1810, S.I. 2001/1149, S.I. 2001/4050, S.I. 2003/2155, S.I. 2005/3050, S.I. 2012/791 (W. 106); modified by S.I. 2003/284.
- (3) S.I. 1992/1703 as amended by S.I. 1994/2567, Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1), S.I. 1996/2651, S.I. 2003/1615, S.I. 2004/696, S.I. 2005/2929 (W. 214), S.I. 2012/1659.
- (4) S.I. 1993/165 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).

Management (Levies) (England and Wales) Regulations 2011”.

Drainage Rates (Forms) Regulations 1993

32. In the Schedule to the Drainage Rates (Forms) Regulations 1993(1), in Form 2, after “the Environment Agency”, in each place where it occurs, insert “or the Natural Resources Body for Wales”.

Surface Waters (River Ecosystem) (Classification) Regulations 1994

33. In regulation 3 of the Surface Waters (River Ecosystem) (Classification) Regulations 1994(2), for “Environment Agency” substitute “appropriate agency”.

Urban Waste Water Treatment (England and Wales) Regulations 1994

34. The Urban Waste Water Treatment (England and Wales) Regulations 1994(3) are amended as follows.

35. For “Environment Agency”, in each place where it occurs, other than in regulations 6 and 8, substitute “appropriate agency”.

36.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “agglomeration” insert—

““the appropriate agency” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;”.

(3) After the definition of “domestic waste water” insert—

““England” includes the territorial sea adjacent to England not forming any part of Wales;”.

(4) After the definition of “urban waste water” insert—

““Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006.”

37.—(1) Regulation 6 is amended as follows.

(2) In paragraph (2)—

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- (1) S.I. 1993/223.
 - (2) S.I. 1994/1057 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).
 - (3) S.I. 1994/2841 as amended by Environment Act 1995 (c. 25), section 120(1) Schedule 22, paragraph 233(1), S.I. 2003/1788, S.I. 2005/2035, S.I. 2010/675, S.I. 2011/556.

- (a) after “Environment Agency” insert “and of the Natural Resources Body for Wales”;
- (b) for “its” substitute “their”.

(3) In paragraph (3), after “Environment Agency” insert “or, as the case may be, the Natural Resources Body for Wales.”

38. In regulation 8(2), after “Environment Agency” insert “or, as the case may be, the Natural Resources Body for Wales.”

Town and Country Planning (General Permitted Development) Order 1995

39. The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

40. In article 1(2), in the definition of “area of outstanding natural beauty”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

41.—(1) Schedule 2 is amended as follows.

(2) In Part 14, after “Environment Agency” insert “and the Natural Resources Body for Wales”.

(3) In Part 15, in paragraph A—

- (a) after “Environment Agency” insert “or the Natural Resources Body for Wales”; and
- (b) for “the purposes of their functions” substitute “the purposes of their respective functions”.

European Communities (Designation) Order 1996

42.—(1) The Schedule to the European Communities (Designation) Order 1996(2) is amended as follows.

(2) In the entry in Column (2) relating to the Forestry Commissioners, after “Measures” insert “applying otherwise than in relation to Wales”.

(3) After the entry relating to the Forestry Commissioners, insert—

“The Welsh Ministers Measures applying in

- (1) S.I. 1995/418 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1), S.I. 1996/252, S.I. 1996/528, S.I. 1997/366, S.I. 1999/293, S.I. 1999/416, S.I. 1999/1661, S.I. 1999/1783, Utilities Act 2000 (c. 27), section 76(7), S.I. 2001/1149, S.I. 2001/4050, S.I. 2002/1878 (W. 187), S.I. 2003/2155, S.I. 2004/945, S.I. 2004/3156 (W. 273), S.I. 2006/124 (W. 17), S.I. 2006/1386 (W. 136), S.I. 2007/952 (W. 83), S.I. 2008/502 (W. 43), S.I. 2008/675, S.I. 2008/2362, S.I. 2009/2193 (W. 185); modified by Countryside and Rights of Way Act 2000 (c. 37), section 93, Schedule 15, paragraph 17.
- (2) S.I. 1996/266 as amended by S.I. 1999/2788, S.I. 2001/3495, S.I. 2002/2840.

relation to Wales and relating to the common agricultural policy of the European Union in respect of Forestry.”

Landfill Tax Regulations 1996

43. After regulation 21(5)(a) of the Landfill Tax Regulations 1996(1), insert—

“(aa) the Natural Resources Body for Wales;”.

Welsh Language Schemes (Public Bodies) Order 1996

44. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 1996(2), omit the entries relating to the Countryside Council for Wales.

Control of Pollution (Applications, Appeals and Registers) Regulations 1996

45. The Control of Pollution (Applications, Appeals and Registers) Regulations 1996(3) are amended as follows.

46. For any reference to the Agency, other than in regulation 12(6), substitute a reference to the appropriate agency.

47.—(1) Regulation 12(6) is amended as follows.

(2) In sub-paragraph (a) omit “and”.

(3) After sub-paragraph (a) insert—

“(aa) the NRBW, if the appeal relates to information which the NRBW has determined is not commercially confidential; and”.

(4) In sub-paragraph (b), after “Agency” insert “, if the appeal relates to information which the Agency has determined is not commercially confidential”.

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- (1) S.I. 1996/1527 as amended by S.I. 1997/1431, S.I. 1998/61, S.I. 1999/3270, S.I. 2002/1, S.I. 2003/605, S.I. 2003/2096, S.I. 2003/2313, S.I. 2004/769, S.I. 2005/759, S.I. 2006/1054, S.I. 2007/965, 2007/1898, S.I. 2007/3538, S.I. 2008/770, S.I. 2008/1482, S.I. 2008/2693, S.I. 2009/1890, S.I. 2009/1930, S.I. 2010/924, S.I. 2010/675, S.I. 2010/2437, S.I. 2011/894, S.I. 2012/885.
- (2) S.I. 1996/1898 as amended by S.I. 2004/1771, S.I. 2005/3225 (W. 237), S.I. 2005/3226 (W. 238), S.I. 2007/2602.
- (3) S.I. 1996/2971 as amended by S.I. 1999/1006, S.I. 2010/675.

Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996

48. In the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996(1), for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996

49.—(1) Article 2 of the Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996(2) is amended as follows.

(2) In sub-paragraph (a)—

- (a) after “the Environment Agency” insert “and the Natural Resources Body for Wales”;
- (b) for “section 6(1), 7 and 8” substitute “the provisions specified in section 9(5)”.

(3) In sub-paragraph (b), after “the Environment Agency” insert “and the Natural Resources Body for Wales”.

Hedgerows Regulations 1997

50.—(1) Part 2 of Schedule 1 to the Hedgerows Regulations 1997(3) is amended as follows.

(2) In paragraph 6(1)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Surface Waters (Fishlife) (Classification) Regulations 1997

51. In the Surface Waters (Fishlife) (Classification) Regulations 1997(4), for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

Surface Waters (Shellfish) (Classification) Regulations 1997

52. The Surface Waters (Shellfish) (Classification) Regulations 1997(5) are amended as follows.

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- (1) S.I. 1996/3001 as amended by S.I. 2000/3184, S.I. 2001/3911.
 - (2) S.I. 1996/3061.
 - (3) S.I. 1997/1160 as amended by S.I. 2003/2155, S.I. 2006/1177, S.I. 2009/1307.
 - (4) S.I. 1997/1331 as amended by S.I. 2003/1053, S.I. 2009/1264.
 - (5) S.I. 1997/1332 as amended by S.I. 2009/1266.

53. For any reference to the Environment Agency, other than in regulation 6(3), substitute a reference to the appropriate authority.

54. In regulation 1, after paragraph (2) insert—

“(3) In these Regulations—

“the appropriate authority” means—

- (a) in relation to England, the Environment Agency, and
- (b) in relation to Wales, the Natural Resources Body for Wales;

“England” includes the sea adjacent to England to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured; and

“Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006(1).”

55. In regulation 6(3), after “Secretary of State” insert “, the Natural Resources Body for Wales”.

Surface Waters (Dangerous Substances) (Classification) Regulations 1997

56. In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1997(2), for “Environment Agency” and “Agency” substitute “appropriate agency”.

Surface Waters (Dangerous Substances) (Classification) Regulations 1998

57. In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1998(3), for “Environment Agency” and “Agency” substitute “appropriate agency”.

Mines (Notice of Abandonment) Regulations 1998

58. In regulation 2 of the Mines (Notice of Abandonment) Regulations 1998(4), after “Agency” insert “or the NRBW”.

(1) 2006 c.32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect.

(2) S.I. 1997/2560.

(3) S.I. 1998/389.

(4) S.I. 1998/892.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

59.—(1) Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(1) is amended as follows.

(2) In the definition of “consultation bodies”—

- (a) in sub-paragraph (b)(ii), after “English Nature” insert “and the Environment Agency”;
- (b) in sub-paragraph (b)(iii), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;
- (c) omit sub-paragraph (b)(iv).

(3) In the definition of “sensitive areas”, in sub-paragraph (h), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999

60. The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999(2) are amended as follows.

61.—(1) In regulation 2(1), the definition of “sensitive area” is amended as follows.

(2) In sub-paragraph (f), omit “or the Countryside Council for Wales, as respects Wales,”.

(3) After sub-paragraph (f) insert—

“(fa)an area of outstanding natural beauty designated as such by an order made—

- (i) under section 87 (Designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949, or
- (ii) under section 82 (Designation of Areas) of the Countryside and Rights of Way Act 2000;”.

62. In Schedule 3, in paragraph 2(c), for “, the Countryside Council for Wales and the Environment

(1) S.I. 1999/293 as amended by S.I. 1999/416, S.I. 2000/2867, S.I. 2005/1806 (W. 138), S.I. 2006/3099 (W. 283), S.I. 2006/3295, S.I. 2008/2335 (W. 198), S.I. 2010/675, S.I. 2011/988, S.I. 2011/2043 (S.I. 2007/2610 (W. 221) (revoked) (sav)); modified by the Countryside and Rights of Way Act 2000 (c. 37), section 93, Schedule 15, paragraph 17, S.I. 2006/1282, S.I. 2008/1556.

(2) S.I. 1999/367 as amended by S.I. 2001/1149; modified by Countryside and Rights of Way Act 2000 (c. 37), section 93, Schedule 15, paragraph 17.

Agency” substitute “and the Natural Resources Body for Wales”.

National Assembly for Wales (Transfer of Functions) Order 1999

63.—(1) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999(1) is amended as follows.

(2) In the entry relating to the Opencast Coal Act 1958—

- (a) for “the Environment Agency” substitute “the Natural Resources Body for Wales”;
- (b) after “Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593)” insert “and by the Natural Resources Body for Wales (Functions) Order 2012”.

Control of Major Accident Hazards Regulations 1999

64. The Control of Major Accident Hazards Regulations 1999(2) are amended as follows(3).

65.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Agency”.

(3) Before the definition of “CIMAH report”, insert—

““appropriate agency” in relation to an establishment in—

- (a) England, means the Environment Agency;
- (b) Scotland, means the Scottish Environment Protection Agency;
- (c) Wales, means the Natural Resources Body for Wales;”.

(4) In the definition of “competent authority”, for “Agency” substitute “appropriate agency”.

66. In regulations 7, 9, 10, 20 and 22, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

(1) S.I. 1999/672 to which there are amendments not relevant to this Order.
(2) S.I. 1999/743 as amended by S.I. 2002/2469, S.I. 2005/1088, S.I. 2008/960, S.I. 2008/1087, S.I. 2009/1595.
(3) Schedule 7 contains transitional provisions relating to these Regulations.

Water Protection Zone (River Dee Catchment) (Designation) Order 1999

67. In article 3 of the Water Protection Zone (River Dee Catchment) (Designation) Order 1999(1), for “the Environment Agency at Chester Road, Buckley, Clwyd” substitute “the Natural Resources Body for Wales at Chester Road, Buckley, Flintshire”.

Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999

68. The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999(2) are amended as follows.

69. For any reference to the Agency substitute a reference to the appropriate agency.

70. In regulation 7(2)(c), omit “or, in Wales, the Countryside Council for Wales”.

Anti-Pollution Works Regulations 1999

71. In the Anti-Pollution Works Regulations 1999(3), for any reference to the Agency, other than in regulation 8(3)(a), substitute a reference to the appropriate agency.

Welsh Language Schemes (Public Bodies) Order 1999

72. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 1999(4), omit the entries relating to the Environment Agency.

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

73.—(1) Regulation 2(1) of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(5) is amended as follows.

(2) In the definition of “consultation bodies”, in subparagraph (d), for “the Countryside Council for Wales and the Environment Agency” substitute “the Natural Resources Body for Wales”.

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- (1) S.I. 1999/915 as amended by S.I. 2010/675, S.I. 2007/3538.
(2) S.I. 1999/916.
(3) S.I. 1999/1006 as amended by S.I. 2009/1307, S.I. 2009/3104.
(4) S.I. 1999/1100.
(5) S.I. 1999/1672 as amended by S.I. 1999/416, Countryside and Rights of Way Act 2000 (c. 37), section 93, Schedule 15, paragraph 17, Utilities Act 2000 (c.27), section 76(7), S.I. 2007/1996, modified by Countryside and Rights of Way Act 2000, section 93, Schedule 15, paragraph 17.

Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999

74.—(1) Regulation 2(1) of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999(1) is amended as follows

(2) In the definition of “consultation bodies”, in subparagraph (b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) In the definition of “drainage body”, in subparagraph (a), after “Environment Agency” insert “in relation to England and the Natural Resources Body for Wales in relation to Wales”.

Town and Country Planning (Trees) Regulations 1999

75. The Town and Country Planning (Trees) Regulations 1999(2) are amended as follows.

76. In regulation 10(1), for “the Forestry Commissioners”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

77. In the Schedule, in paragraph 5(1)(e), for “the Environment Agency” substitute “the Natural Resources Body for Wales”, and for “the Agency” substitute “the Body”.

Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

78. The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(3) are amended as follows.

79. For “the Commissioners”, in each place where it occurs, other than regulations 2(1) and 25, substitute “the appropriate forestry authority”.

80.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “the appropriate Authority” insert—

““the appropriate forestry authority” means, in relation to England, the Commissioners and, in relation to Wales, the Natural Resources Body for Wales;”.

(3) For the definition of “countryside bodies” substitute—

““countryside bodies” means—

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- (1) S.I. 1999/1783 as amended by S.I. 2005/1399, S.I. 2006/618.
(2) S.I. 1999/1892 as amended by S.I. 2001/1149, S.I. 2001/4050, S.I. 2003/390 (W. 52), S.I. 2006/1281 (C. 43), S.I. 2012/792 (W. 107).
(3) S.I. 1999/2228 as amended by S.I. 2006/3106; modified by Countryside and Rights of Way Act 2000 (c. 37), section 93, Schedule 15, part 11, paragraph 17.

- (a) where any part of the land is situated in England, the Environment Agency, English Nature and any other body designated by statutory provision as having specific environmental responsibilities in relation to England; and
- (b) where any part of the land is situated in Wales, any body designated by statutory provision as having specific environmental responsibilities in relation to Wales;”.

81. In regulations 4(3), 16(b), 17(2) and 20(4)(a), for “the Commissioners” substitute “the appropriate forestry authority’s”.

82.—(1) Regulation 17 is amended as follows.

(2) In the heading, for “the Commissioners” substitute “the appropriate forestry authority”.

(3) In sub-paragraph (5), for “the Commissioner’s” substitute “the appropriate forestry authority’s”.

83. In regulation 24(1), for “England and Wales” substitute “England or Wales”.

84. In regulation 25, in paragraphs (3)(b) and (5)(b), for “their” substitute “the appropriate forestry authority’s”.

85.—(1) In Schedule 2, paragraph 1 is amended as follows.

(2) In the definition of “sensitive area”, in sub-paragraph (g), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999

86.—(1) Regulation 2(1) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999(1) is amended as follows.

(2) In the definition of “the consultation bodies”—

- (a) in sub-paragraph (d), omit “and Wales”;
- (b) in sub-paragraph (f), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;
- (c) after sub-paragraph (g), insert—
 - “(h) in England and Wales the consultation bodies in sub-paragraphs (d), (e) and (f);”.

(1) S.I. 1999/2892 as amended by S.I. 1999/416, S.I. 2006/657, S.I. 2008/960.

Ionising Radiations Regulations 1999

87.—(1) Schedule 1 to the Ionising Radiations Regulations 1999(1) is amended as follows.

(2) For “the Environment Agency”, in each place where it occurs, substitute “the appropriate authority”.

(3) After paragraph 1 insert—

“**1A.** In this Schedule, “the appropriate authority” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales.”

Water Industry (Prescribed Conditions) Regulations 1999

88. The Water Industry (Prescribed Conditions) Regulations 1999(2) are amended as follows.

89. In regulation 3(3)—

- (a) in sub-paragraph (b), before “the Environment Agency” insert “where the determination relates to an area that is in the area of a water undertaker whose area is wholly in England,”;
- (b) at the end of sub-paragraph (b) omit “and”;
- (c) after sub-paragraph (b) insert—

“(ba) where the determination relates to an area that is in the area of a water undertaker whose area is partly in England and partly in Wales, the Environment Agency and the Natural Resources Body for Wales; and”.

90.—(1) Regulation 4 is amended as follows.

(2) In paragraph (1) for “Environment Agency” substitute “appropriate agency”.

(3) After paragraph (3) insert—

“(4) In this regulation “appropriate agency” means—

- (a) where the proposed determination relates to the whole or part of an area of a water undertaker whose area is wholly in England, the Environment Agency;
- (b) where the proposed determination relates to the whole or part of an area of a water undertaker whose area is

(1) S.I. 1999/3232 as amended by S.I. 2001/2975, S.I. 2008/960, S.I. 2010/675.

(2) S.I. 1999/3442 as amended by S.I. 2005/2035, S.I. 2007/2457.

partly in England and partly in Wales,
the Environment Agency and the
Natural Resources Body for Wales.”

**Environmental Protection (Disposal of
Polychlorinated Biphenyls and other Dangerous
Substances) (England and Wales) Regulations 2000**

91. The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(1) are amended as follows.

92.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “applicant” insert—

““the appropriate authority” means—

(a) in relation to England, the Environment Agency;

(b) in relation to Wales, the NRBW;”.

(3) After the definition of “PCBs” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

(4) In the definition of “registered holder”, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

93. In regulation 3(5)(b), for “Agency” substitute “appropriate authority”.

94.—(1) Regulation 6 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate authority”.

(3) After paragraph (6), insert—

“(7) An application which relates to equipment held or to be held—

(a) only at a location in England must be made to the Environment Agency;

(b) only at a location in Wales must be made to the NRBW;

(c) at a location both in England and Wales must be made to the Environment Agency and the NRBW.”

95. In regulation 7, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

96. In regulation 8(5), for “Agency”, in each place where it occurs, substitute “appropriate authority”.

97.—(1) Regulation 9 is amended as follows.

(2) In paragraph (5)—

(1) S.I. 2000/1043 as amended by S.I. 2000/3359, S.I. 2005/1806 (W. 138), S.I. 2010/1820 (W. 177), S.I. 2011/988.

(a) in sub-paragraph (b), omit “and the Welsh Assembly”;

(b) after sub-paragraph (b), insert—

“(c) exercise the functions in paragraphs (1) to (5) in relation to every location in England.”

(3) After paragraph (5) insert—

“(5A) The NRBW must compile an inventory of the contaminated equipment held at every location in Wales in respect of which there is a registered holder.

(5B) Subject to paragraph (3) an inventory compiled in accordance with paragraph (5A) must record the information specified in paragraph (2).

(5C) The NRBW must—

(a) before 30 September in each year, review the inventory which it has compiled in accordance with paragraph (5A) or, as the case may be, the most recent revision of that inventory; and

(b) on or before 30 September in each year provide the Welsh Ministers with a summary which shall include the total for the time being of—

(i) the number of registered holders; and

(ii) the number of items of equipment of which particulars are registered.”

(4) In paragraph (6), after “paragraph (5)(a)” insert “and paragraph (5C)”.

98. In regulation 10, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

99. In regulation 11, in sub-paragraphs (1), (5) and (6), for “Agency”, in each place where it occurs, substitute “appropriate authority”.

100. In regulation 12 for “Agency” substitute “appropriate authority”.

101. In regulation 13B, for “The Environment Agency” substitute “The NRBW”.

Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000

102. The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000(1) are amended as follows.

(1) S.I. 2000/1927 as amended by S.I. 2007/1977; modified by the Countryside and Rights of Way Act 2000 (c. 37), s 93, Sch 15, para 17.

103.—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “the consultative bodies”—

(a) in paragraph (c), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;

(b) for paragraph (d) substitute—

“(d) where the application or proposed application relates to a section 36 consent—

(i) the Environment Agency, otherwise than in relation to Wales and the Welsh zone;

(ii) the Natural Resources Body for Wales in relation to Wales and the Welsh zone; and”.

(3) After the definition of “section 37 consent” insert—

““Welsh zone” has the meaning given by section 158(1) of the Government of Wales Act 2006.”

104. In Schedule 2, in paragraph (5)(h), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Pipe-line Works (Environmental Impact Assessment) Regulations 2000

105.—(1) Regulation 2 of the Pipe-line Works (Environmental Impact Assessment) Regulations 2000(1) is amended as follows.

(2) In the definition of “the consultation bodies”, in sub-paragraph (d), for “the Countryside Council for Wales and the Environment Agency” substitute “the Natural Resources Body for Wales”.

Burry Port Harbour Revision Order 2000

106. The Burry Port Harbour Revision Order 2000(2) is amended as follows.

107. For any reference to the Environment Agency, other than in article 19, substitute a reference to the Natural Resources Body for Wales.

108. In article 19(2)(g), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

(1) S.I. 2000/1928 as amended by S.I. 2007/1992, S.I. 2011/2453.
(2) S.I. 2000/2152.

Forest Reproductive Material (Great Britain) Regulations 2002

109. The Forest Reproductive Material (Great Britain) Regulations 2002⁽¹⁾ are amended as follows⁽²⁾.

110.—(1) Regulation 2 is amended as follows.

(2) In paragraph (2)—

(a) before the definition of “approved basic material” insert—

““the appropriate authority”—

(a) in regulations 7 to 9 and Schedules 2 to 5, has the meaning given in regulation 7(11);

(b) in regulations 11, 13 and 14, has the meaning given in regulation 11(4);

(c) in regulations 16, 18 and 22, has the meaning given in regulation 16(7);

(d) in regulation 25, has the meaning given in regulation 25(4).”;

(b) for the definition of “authorised officer” substitute—

““authorised officer” means—

(a) a person authorised by the Commissioners to exercise their powers and execute their functions under these Regulations; and

(b) a person authorised by the Welsh Ministers to exercise their powers and execute their functions under these Regulations.”;

(c) in the definitions of “official certificate” and “region of provenance”, after “the Commissioners” insert “or the Welsh Ministers”.

(3) In paragraph (6)—

(a) omit “Commissioners”;

(b) after “payable to the Commissioners” insert “or the Welsh Ministers”.

111.—(1) Regulation 5 is amended as follows.

(2) In paragraph (1)—

(a) after “provenance” insert “in England and Scotland”;

(b) for “Great Britain” substitute “England and Scotland”.

(3) After paragraph (1) insert—

(1) S.I. 2002/3026 as amended by S.I. 2006/2530.

(2) Schedule 7 contains transitional provisions relating to these Regulations.

“(1A) The Welsh Ministers shall demarcate regions of provenance in Wales in respect of each of the species listed in Schedule 1 which exist in Wales and shall allocate to each region of provenance an identity code.

(1B) The Commissioners and the Welsh Ministers may together exercise their functions under paragraph (1) and (1A) so as to designate a region of provenance of which part is in Wales.”

(4) In paragraph (2) for “shall draw up maps showing the demarcated regions of provenance referred to in paragraph (1)” substitute “and the Welsh Ministers shall draw up maps showing the regions of provenance which they have demarcated pursuant to this regulation”.

112.—(1) Regulation 6 is amended as follows.

(2) In paragraph (1) for “shall” substitute “and the Welsh Ministers shall jointly”.

(3) In paragraph (2) after “the Commissioners” insert “and the Welsh Ministers”.

113.—(1) Regulation 7 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) After paragraph (10), insert—

“(11) In this regulation, regulations 8 and 9, and in Schedules 2 to 5 “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to basic material located in Wales;
- (b) the Commissioners, in any other case.”

114. In regulation 8(2), in each place where it occurs, for “the Commissioners” substitute “the appropriate authority”.

115. In regulation 9, in each place where it occurs, for “the Commissioners” substitute “the appropriate authority”.

116.—(1) Regulation 11 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph (1) for “Commissioners” substitute “the appropriate authority’s”.

(4) In paragraph (1)(c) for “register” substitute “National Register”.

(5) After paragraph (3) insert—

“(4) In this regulation and regulations 13 and 14 “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to the collection, production or marketing of forest reproductive material in Wales;
- (b) the Commissioners, in any other case.”

117. In Regulation 13, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

118. In regulation 14(3), for “the Commissioners” substitute “the appropriate authority”.

119.—(1) Regulation 16 is amended as follows.

(2) In paragraph (1) after “(“the Register of Suppliers”)” insert “which is to be jointly maintained by the Commissioners and the Welsh Ministers”.

(3) In paragraph (2)—

- (a) for “the Commissioners” substitute “the appropriate authority”;
- (b) for “the Commissioners” substitute “the appropriate authority’s”.

(4) In paragraphs (3) to (5), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(5) In paragraph (6) after “Commissioners” insert “and the Welsh Ministers”.

(6) After paragraph (6) insert—

“(7) In this regulation and regulations 18 and 22 “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to a supplier whose primary place of business or trade is in Wales;
- (b) the Commissioners, in relation to a supplier whose primary place of business or trade is in England or Scotland.”

120. In regulation 18, for “The Commissioners, in each place where it occurs, substitute “The appropriate authority”.

121. In regulation 20(b), after “the Commissioners” insert “and the Welsh Ministers”.

122. In regulation 22(3), for “the Commissioners” substitute “the appropriate authority”.

123.—(1) Regulation 25 is amended as follows.

(2) In paragraphs (1)(b) and (3), for “the Commissioners” substitute “the appropriate authority”.

(3) After paragraph (3) insert—

“(4) In this regulation “the appropriate authority” means—

- (a) the Welsh Ministers, in relation to the importation of forest reproductive material into Wales;
- (b) the Commissioners, in relation to the importation of forest reproductive material into England or Scotland.”

124.—(1) Regulation 26 is amended as follows.

(2) In paragraph (3)(b), after “the Commissioners” insert “or the Welsh Ministers”.

(3) In paragraph (5) after “the Commissioners” insert “or (according as the requirement was made) the Welsh Ministers”.

125. In regulation 27(1) after “the Commissioners” insert “or the Welsh Ministers (as the case may be)”.

126.—(1) Regulation 32 is amended as follows.

(2) In paragraph (1)—

- (a) after “the Commissioners” insert “or the Welsh Ministers”;
- (b) in sub-paragraph (h), after “the Commissioners” insert “or the Welsh Ministers”.

(3) In paragraph (3), after “the Commissioners” insert “and the Welsh Ministers”.

127. In Schedule 2, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

128.—(1) Schedule 3 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph (5), for “the Commissioners” substitute “the appropriate authority’s”.

129.—(1) Schedule 4 is amended as follows.

(2) For “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph 2(c), for “the Commissioners” substitute “the appropriate authority’s”.

(4) In paragraph 3(b), for “the Commissioners” substitute “the appropriate authority’s”.

130. In Schedule 5, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003

131. The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003(1) are amended as follows.

132. For any reference to the Agency, other than in regulations 2 and 6(4), substitute a reference to the appropriate authority.

133.—(1) Regulation 2 is amended as follows.

(2) Omit the definition of “the Agency”.

(3) Before the definition of “appropriate Minister” insert—

““appropriate authority” means the Environment Agency in relation to England and the Natural Resources Body for Wales in relation to Wales;”.

(4) In the definition of “consultation bodies”—

(a) in sub-paragraph (c), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;

(b) in sub-paragraph (d), for “the Agency” substitute “the appropriate authority”.

134. In regulation 6(4) for “Agency and” substitute “appropriate authority and, if different,”.

Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003

135. In the Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003(2), for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

Packaging (Essential Requirements) Regulations 2003

136. In Schedule 2 to the Packaging (Essential Requirements) Regulations 2003(3), in paragraph 2(a)(iv), for “the Environment Agency in England and Wales” substitute “the Environment Agency in England, the Natural Resources Body for Wales in Wales”.

(1) S.I. 2003/164 as amended by S.I. 2006/3124.

(2) S.I. 2003/1788.

(3) S.I. 2003/1941 as amended by S.I. 2004/693, S.I. 2004/1188, S.I. 2005/1806 (W. 138), S.I. 2006/1492, S.I. 2009/1504, S.I. 2011/988.

Electronic Communications Code (Conditions and Restrictions) Regulations 2003

137. The Electronic Communications Code (Conditions and Restrictions) Regulations 2003⁽¹⁾ are amended as follows.

138.—(1) Regulation 2(2) is amended as follows.

(2) Omit the definition of “Countryside Council for Wales”.

(3) In the definition of “national nature reserve”, in sub-paragraph (c), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(4) In the appropriate place insert—

““Natural Resources Body for Wales” means the Natural Resources Body for Wales as established by article 3(1) of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903);”.

139. In regulation 8(1)(b)(iii), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

140. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003⁽²⁾ are amended as follows.

141.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) after the definition of “the Agency” insert—

““the appropriate agency” means—

(a) in relation to a river basin district that is wholly in England, the Agency;

(b) in relation to a river basin district that is wholly in Wales, the NRBW; and

(c) in relation to a river basin district that is partly in England and partly in Wales, the Agency and the NRBW acting jointly;”.

(b) after the definition of “environmental objectives” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

(3) After paragraph (1) insert—

(1) S.I. 2003/2553 as amended by S.I. 2009/584.

(2) S.I. 2003/3242 as amended by S.I. 2005/2035, S.I. 2007/3538, S.I. 2008/1097 (partly as from 14/05/08, fully as from 24/03/15), S.I. 2010/630 (C. 42), S.I. 2011/556 (C. 19).

“(1A) In these regulations, where the appropriate agency is required to make copies of a statement, summary, draft plan or plan (including an approved or revised plan) accessible to the public free of charge, references to doing so through its website means—

- (a) where the NRBW is the appropriate agency, through its website;
- (b) where the Agency is the appropriate agency, through its website;
- (c) where the Agency and the NRBW acting jointly are the appropriate agency, through their respective websites.

(1B) In these regulations, where the appropriate agency is required to make copies of a statement, summary, draft plan or plan (including an approved or revised plan) accessible to the public free of charge, references to doing so at its principal office and each of its principal regional offices means—

- (a) where the NRBW is the appropriate agency, at its principal office and each of its principal regional offices;
- (b) where the Agency is the appropriate agency, at its principal offices and each of its principal regional offices;
- (c) where the Agency and the NRBW acting jointly are the appropriate agency, at their principal offices and each of their principal regional offices.”

142.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1), after “the Assembly” insert “, the NRBW”.

(3) In paragraph (2), for “and the Assembly” substitute “, the Welsh Ministers, the Agency and the NRBW”.

143.—(1) Regulation 4 is amended as follows.

(2) In paragraph (2), after “the Assembly” insert “, the NRBW”.

(3) In paragraph (3)—

- (a) in sub-paragraph (b), omit “and”;
- (b) after sub-paragraph (b) insert—

“(ba) in the case of the NRBW, its principal office and its principal regional offices; and”.

144. In regulation 5(2), for “Agency” substitute “appropriate agency”.

145. In regulations 7 to 9, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

146.—(1) Regulation 10 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In paragraph (2)(b)—

- (a) for “it thinks fit” substitute “the appropriate agency thinks fit”;
- (b) in paragraph (i) for “its proposals” substitute “the appropriate agency’s proposals”;
- (c) in paragraph (ii) for “its draft proposals” substitute “the appropriate agency’s draft proposals”.

147. In regulation 11(1) for “Agency” substitute “appropriate agency”.

148.—(1) Regulation 12 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In paragraph (1)—

- (a) in sub-paragraph (a)(i) for “it is to take” substitute “the appropriate agency is to take”;
- (b) in sub-paragraph (b) for “which it considers” substitute “which the appropriate agency considers”.

(4) In paragraph (2)(d) for “it thinks fit” substitute “the appropriate agency thinks fit”.

(5) In paragraph (5)(a)—

- (a) at the end of paragraph (i) insert “and”;
- (b) omit paragraph (ii);
- (c) in paragraph (iii) for “and the Countryside Council for Wales” substitute “in relation to the part in England”.

149. In regulations 13 to 15 for “Agency”, in each place where it occurs, substitute “appropriate agency”.

150.—(1) Regulation 16 is amended as follows.

(2) In paragraph (1) for “Agency” substitute “appropriate agency”.

(3) In paragraph (3) for “it thinks fit” substitute “the appropriate agency thinks fit”.

151. In regulation 17 after “Agency” insert “, the NRBW”.

152.—(1) Regulation 18 is amended as follows.

(2) For “Agency”, in each place where it occurs substitute, “appropriate agency”.

(3) In paragraph (1) after “its principal office” insert “or (as the case may be) their principal offices”.

153. In regulation 19(1) for any reference to the Agency substitute a reference to the appropriate agency.

154. In regulation 20(3) for “Agency” substitute “appropriate agency”.

155. In Part 2 of Schedule 2, after paragraph 29 insert—

“30. The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999.

31. The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

32. The Natural Resources Body for Wales (Functions) Order 2012.”

Environmental Assessment of Plans and Programmes Regulations 2004

156. In regulation 4(4)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004(1), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004

157. The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004(2) is amended as follows.

158.—(1) Article 2 is amended as follows.

(2) Before the definition of “authorised officer”, insert—

““the appropriate authority” means—

- (a) where the principal place of business of a person mentioned in article 3(1) is in England or Scotland, the Forestry Commissioners;
- (b) where the principal place of business of a person mentioned in article 3(1) is in Wales, the Welsh Ministers;”.

(3) In the definition of “authorised officer”—

- (a) after “the Forestry Commissioners” in each place where it occurs, insert “ or the Welsh Ministers”;
- (b) for “1993” substitute “2005”;
- (c) after “2005” insert “, and accordingly the provisions of article 2A of that Order apply

(1) S.I. 2004/1633.
(2) S.I. 2004/1684.

to the exercise of such person's functions under this Order".

(4) In the definitions of "phytosanitary certificate" and "reforwarding phytosanitary certificate", for "the Forestry Commissioners" substitute "the appropriate authority".

(5) In the definitions of "relevant material" and "third country", for "1993" substitute "2005".

159. In articles 3 and 4, for "the Forestry Commission" substitute "the appropriate authority".

End-of-Life Vehicles (Producer Responsibility) Regulations 2005

160.—(1) Regulation 24(4) of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005(1) is amended as follows.

(2) In sub-paragraph (a), omit "and Wales".

(3) After sub-paragraph (a) insert—

“(aa) Wales, the Natural Resources Body for Wales;”.

Charities (National Trust) Order 2005

161.—(1) The Appendix to the Charities (National Trust) Order 2005(2) is amended as follows.

(2) In Part 3 of the Schedule—

(a) omit "Countryside Council for Wales";

(b) in the appropriate place insert "Natural Resources Body for Wales".

Hazardous Waste (England and Wales) Regulations 2005

162.—(1) Regulation 11 of the Hazardous Waste (England and Wales) Regulations 2005(3) is amended as follows.

(2) After sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales;”.

Drought Plan Regulations 2005

163. In regulation 2(2)(i) of the Drought Plan Regulations 2005(4), omit "the Countryside Council for Wales and".

(1) S.I. 2005/263 as amended by S.I. 2010/1095, S.I. 2011/988.
(2) S.I. 2005/712.
(3) S.I. 2005/894 as amended by S.I. 2006/937, S.I. 2007/3538, S.I. 2010/675, S.I. 2011/556 (C. 19), S.I. 2011/988, S.I. 2011/2043.
(4) S.I. 2005/1905.

Plant Health (Forestry) Order 2005

164. The Plant Health (Forestry) Order 2005(1) is amended as follows(2).

165.—(1) Article 2 is amended as follows.

(2) Before the definition of “area of plant health control” insert—

““the appropriate authority” means—

- (a) the Commissioners, in relation to England or Scotland;
- (b) the Welsh Ministers, in relation to Wales;”.

(3) For the definition of “inspector”, substitute—

““inspector”—

- (a) in article 9(1), has the meaning given in that article;
- (b) in any other provision of this Order, means any person authorised by the Commissioners or the Welsh Ministers to be an inspector for the purposes of this Order (see article 2A for further provision about inspectors);”.

166. After article 2 insert—

“Inspectors

2A.—(1) An inspector authorised by the Commissioners may exercise the functions of an inspector under this Order in relation to any person or thing in England or Scotland.

(2) An inspector authorised by the Welsh Ministers may exercise the functions of an inspector under this Order in relation to any person or thing in Wales.”

167. In article 3, in the definition of “approved place of inspection”, for “the Commissioners” substitute “the appropriate authority”.

168. In article 6, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

169. After article 9(3) insert—

“(4) In this article “inspector” means—

- (a) where relevant material is landed in England or Scotland, any person authorised by the Commissioners to be an inspector for the purposes of this Order;

(1) S.I. 2005/2517 as amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/3020.

(2) Schedule 7 contains transitional provisions relating to this Order.

- (b) where relevant material is landed in Wales, any person authorised by the Welsh Ministers to be an inspector for the purposes of this Order.”

170.—(1) Article 10 is amended as follows.

(2) In sub-paragraph 2(b), for “control by the Commissioners” substitute “control by the appropriate authority”.

(3) After paragraph (4) insert—

“(5) The Commissioners, the Welsh Ministers and the Commissioners for Her Majesty’s Revenue and Customs may together exercise their functions under paragraph (2) so as to designate an area of plant health control of which part is in Wales.”

171.—(1) Article 12 is amended as follows.

(2) In paragraph (6), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph (7), for “the Commissioners” substitute “the appropriate authority”.

172. In article 16, in each place where it occurs, for “the Commissioners” substitute “the appropriate authority”.

173.—(1) Article 17 is amended as follows.

(2) In paragraphs (1) to (4), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph (5), for “the Commissioners may” substitute “the appropriate authority may”.

174. In article 20(7), for “the Commissioners” substitute “the appropriate authority”.

175. In article 24(1), for “the Commissioners shall” substitute “the Commissioners and the Welsh Ministers shall jointly”.

176.—(1) Article 26 is amended as follows.

(2) In paragraph (1)—

(a) for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”;

(b) for “plant” substitute “forestry”.

(3) In paragraphs (2) to (5), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(4) After paragraph (5) insert—

“(6) For the purposes of this article, registration of a forestry trader shall be effected by the appropriate authority entering the

particulars listed in paragraph (1) in the register maintained under that paragraph”.

177. In article 27, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

178.—(1) Article 28 is amended as follows.

(2) In paragraphs (1) to (3), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

(3) In paragraph (4), for “The Commissioners”, substitute “The appropriate authority’s”.

(4) In paragraphs (5) and (6), for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

179. In article 30(7), after “the Commissioners”, insert “or, as the case may be, the Welsh Ministers”.

180. In article 32(5), after “the Commissioners”, insert “or, as the case may be, the Welsh Ministers”.

181. In article 33(6)(a), for “the Commissioners” substitute “the appropriate authority”.

182.—(1) Article 36 is amended as follows.

(2) In paragraph (2), after “the Commissioners”, insert “or, as the case may be, the Welsh Ministers”.

(3) In paragraph (3), for “the Commissioners” substitute “the appropriate authority”.

183. In articles 38 and 39, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

184. In articles 40(1) and 41(1), after “the Commissioners”, insert “, the Welsh Ministers”.

185. In article 42, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

186. In Schedule 7, in paragraph 2 of Part A, after “the Forestry Commission” insert “, the Welsh Ministers or the Natural Resources Body for Wales”.

187. In Schedule 9, in sub-paragraph 3(b), for “the Commissioners” substitute “the appropriate authority”.

Water Resources (Abstraction and Impounding) Regulations 2006

188. In the Water Resources (Abstraction and Impounding) Regulations 2006(1), for any reference to the Agency substitute a reference to the appropriate agency.

(1) S.I. 2006/641 as amended by S.I. 2008/165.

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

189. The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) are amended as follows.

190. In rule 4(1), in the appropriate place insert—

““the appropriate agency” means—

- (a) the Environment Agency for works in or adjacent to England;
- (b) the Natural Resources Body for Wales for works in or adjacent to Wales;”.

191.—(1) Rule 7(8) is amended as follows.

(2) In sub-paragraph (c), after “Environment Agency” insert “for a proposal affecting land in or adjacent to, or tidal waters in or adjacent to, England”.

(3) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

192.—(1) Rule 8(4) is amended as follows.

(2) In sub-paragraph (c), after “Environment Agency” insert “for a proposal affecting land in or adjacent to, or tidal waters in or adjacent to, England”.

(3) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

193. In rule 12(8)(e)(vi), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

194.—(1) In Schedule 5, the table is amended as follows.

(2) In rows 1 to 6 and 20, in column (2), for “Environment Agency” substitute “appropriate agency”.

(3) In rows 17 and 18, in column (2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

195.—(1) In Schedule 6, the table is amended as follows.

(2) In rows 1 to 3, in column (2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) In row 5, in column (2), for “Environment Agency” substitute “appropriate agency”.

(1) S.I. 2006/1466 as amended by S.I. 2010/439, S.I. 2010/1551, S.I. 2011/556 (C. 19), S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658.

Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006

196. The Plant Health (Wood Packaging Material Marking) (Forestry) Order 2006(1) is amended as follows.

197.—(1) Article 2 is amended as follows.

(2) In the definition of “approved measure”, for “the Commissioners” substitute “the appropriate authority”.

(3) In the definition of “inspector”—

- (a) after “the Commissioners” insert “or the Welsh Ministers”;
- (b) after “2005” insert “and accordingly the provisions of article 2A of that Order apply to the exercise of an inspector’s functions under this Order”.

(4) after the definition of “repair”, insert—

““the appropriate authority” means—

- (a) the Commissioners, in relation to England and Scotland;
- (b) the Welsh Ministers, in relation to Wales;”.

198. In articles 4 to 11, for “the Commissioners”, in each place where it occurs, substitute “the appropriate authority”.

199. In Schedule 2, in the form of certificate, before the Appendix insert—

“[or, as appropriate]

Signed on behalf of the Welsh Ministers

.....”.

Plant Health (Fees) (Forestry) Regulations 2006

200. The Plant Health (Fees) (Forestry) Regulations 2006(2) are amended as follows.

201. In regulation 2(1), before the definition of “authority” insert—

““action” means any action for which a fee is payable pursuant to paragraphs (2) to (6) of regulation 3.”

202. For regulation 3(1) substitute—

“(1) Fees are payable—

- (a) to the Forestry Commissioners, where an action is carried out by them or by an inspector in relation to any person or thing in England or Scotland;

(1) S.I. 2006/2695.
(2) S.I. 2006/2697 as amended by S.I. 2008/702, S.I. 2009/2956, S.I. 2010/2001.

- (b) to the Welsh Ministers, where an action is carried out by them or by an inspector in relation to any person or thing in Wales.”

Waste Electrical and Electronic Equipment Regulations 2006

203. The Waste Electrical and Electronic Equipment Regulations 2006(1) are amended as follows.

204.—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “appropriate authority”—

(a) in sub-paragraph (a), omit “or Wales”;

(b) after sub-paragraph (a) insert—

“(aa) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate authority in Wales, the Natural Resources Body for Wales;”;

(c) in sub-paragraph (e)(i), omit “or Wales”;

(d) after sub-paragraph (e)(i) insert—

“(ia) where the producer's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;

(e) in sub-paragraph (g)(i), omit “or Wales”;

(f) after sub-paragraph (g)(i) insert—

“(ia) where the operator of the scheme's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;

(g) in sub-paragraph (h)(i), omit “or Wales”;

(h) after sub-paragraph (h)(i) insert—

“(ia) where the operator of the ATF's or the exporter's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”;

(i) in sub-paragraph (i)(i), omit “or Wales”;

(j) after sub-paragraph (i)(i), insert—

“(ia) where the operator of the collection facility's registered office or principal place of business is in Wales, the Natural Resources Body for Wales;”.

(3) After the definition of “member State”, insert—

(1) S.I. 2006/3289 as amended by S.I. 2007/3454, S.I. 2007/3538, S.I. 2009/2957, S.I. 2010/675, S.I. 2010/1155 (partly as from 01/06/10, partly as from 01/12/10 and fully as from 01/06/15), S.I. 2011/988.

““Natural Resources Body for Wales” means the body established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012;”.

205. In regulation 41(4)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

206. In regulation 43(e)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

207.—(1) Regulation 45(5) is amended as follows.

(2) In sub-paragraph (a), omit “or”.

(3) After sub-paragraph (a), insert—

“(aa) by the Natural Resources Body for Wales in respect of applications for approval made under regulation 41 to that appropriate authority; or”.

208. In regulation 47(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

209. In regulation 48(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

210. After regulation 51(4)(a) insert—

“(aa) by the Natural Resources Body for Wales in respect of applications for approval made under regulation 47 or 48 to that appropriate authority; or”.

211.—(1) Regulation 70(2) is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a), insert—

“(aa) in Wales, the Natural Resources Body for Wales;”.

Water Resources Management Plan Regulations 2007

212. In regulation 2(2)(i) of the Water Resources Management Plan Regulations 2007(1), omit “the Countryside Council for Wales and”.

Producer Responsibility Obligations (Packaging Waste) Regulations 2007

213. The Producer Responsibility Obligations (Packaging Waste) Regulations 2007⁽¹⁾ are amended as follows.

214.—(1) Regulation 2 is amended as follows.

(2) For the definition of “appropriate agency” substitute—

““appropriate agency” means—

- (a) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in England, the Environment Agency;
- (b) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Scotland, SEPA;
- (c) for the purposes of any provision of these Regulations relating to the exercise of the functions of the appropriate agency in Wales, the Natural Resources Body for Wales;
- (d) for the purposes of any provision of these Regulations relating to the obligations of any other person—
 - (i) the Environment Agency, where at the beginning of the relevant year the person’s registered office or principal place of business is in England;
 - (ii) SEPA, where at the beginning of the relevant year the person’s registered office or principal place of business is in Scotland;
 - (iii) the Natural Resources Body for Wales, where at the beginning of the relevant year the person’s registered office or principal place of business is in Wales;
 - (iv) at the election of the person, the Environment Agency, SEPA or the Natural Resources Body for Wales, where at the beginning of the relevant year the person does not have a registered office or principal place of business in Great Britain;

⁽¹⁾ S.I. 2007/871 as amended by S.I. 2007/3538, S.I. 2008/1941, S.I. 2010/675, S.I. 2010/1820 (W. 177), S.I. 2010/2849, S.I. 2011/988.

- (v) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Scotland (but not in Wales)—
 - (aa) the Environment Agency where the operators have elected to apply for approval of the scheme from the Secretary of State; or
 - (bb) SEPA where the operators have elected to apply for approval of the scheme from the Scottish Ministers;
- (vi) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in Wales and in Scotland (but not in England)—
 - (aa) the Natural Resources Body for Wales where the operators have elected to apply for approval of the scheme from the Secretary of State; or
 - (bb) SEPA where the operators have elected to apply for approval of the scheme from the Scottish Ministers;
- (vii) in relation to schemes where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England and in Wales (but not in Scotland), at the election of the operators, the Environment Agency or the Natural Resources Body for Wales; or
- (viii) in relation to schemes, where there is more than one operator of a scheme and such operators have registered offices or principal places of business in England, in Scotland and in Wales—
 - (aa) SEPA, where the operator has elected to apply for approval of the scheme from the Scottish Ministers;
 - (bb) at the election of the operator, the Environment

Agency or the Natural Resources Body for Wales, where the operator has elected to apply for approval from the Secretary of State.”

(3) In the definition of “appropriate authority”, in sub-paragraphs (b)(i) and (d), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

215. In regulation 40B, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Marine Works (Environmental Impact Assessment) Regulations 2007

216. In regulation 2(1) of the Marine Works (Environmental Impact Assessment) Regulations 2007(1), in the definition of “the nature conservation bodies”, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

217. The Offshore Marine Conservation (Natural Habitats &c) Regulations 2007(2) are amended as follows.

218. In regulation 25(3)(c), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

219. In regulation 71, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

220. The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(3) are amended as follows.

221. In regulation 2, after the definition of “National Emission Reduction Plan” insert—

““NRBW” means the Natural Resources Body for Wales;”.

222. In regulation 6(5), after “SEPA” insert “, NRBW”.

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- (1) S.I. 2007/1518 as amended by S.I. 2011/735.
(2) S.I. 2007/1842 as amended by S.I. 2009/7, S.I. 2010/490, S.I. 2010/491, S.I. 2010/1513, S.I. 2011/2043, S.I. 2012/1928.
(3) S.I. 2007/2325 as amended by S.I. 2007/3476, S.I. 2007/3538, S.I. 2010/675.

223.—(1) Regulation 7 is amended as follows.

(2) In sub-paragraph (1), omit “and Wales”.

(3) After sub-paragraph (1) insert—

“(1A) The NRBW must verify the annual report of each operator of a participating plant in Wales relating to the actual annual mass emission of each of the LCPD pollutants from the participating plant.”

(4) In sub-paragraph (4), after “SEPA” insert “, NRBW”.

224.—(1) Regulation 9 is amended as follows.

(2) In paragraph (2), after “SEPA”, in each place where it occurs, insert “, NBRW”.

(3) In paragraph 4(b)—

(a) in sub-paragraph (i), omit “or Wales”;

(b) after sub-paragraph (i), insert—

“(ia)NRBW, if the participating plant in question is in Wales,”.

225.—(1) Regulation 12 is amended as follows.

(2) In sub-paragraph (a), after “SEPA;” omit “and”.

(3) After sub-paragraph (a), insert—

“(aa) NRBW;”.

226.—(1) In Schedule 1, paragraph 1 is amended as follows.

(2) In sub-paragraph (a), omit “or Wales”.

(3) After sub-paragraph (c) insert—

“(d) of a participating plant in Wales, to NRBW in accordance with the conditions of the environmental permit under the Environmental Permitting (England and Wales) Regulations 2010;”.

Persistent Organic Pollutants Regulations 2007

227.—(1) Regulation 3(1) of the Persistent Organic Pollutants Regulations 2007(1) is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After paragraph (a) insert—

“(aa) in Wales, the Natural Resources Body for Wales;”.

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

228.—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(1) is amended as follows.

(2) In Part 1, in the list of bodies, in the appropriate place, insert “Natural Resources Body for Wales”.

Bathing Water Regulations 2008

229. The Bathing Water Regulations 2008(2) are amended as follows.

230. For “Agency management measures”, in each place where it occurs, substitute “appropriate agency management measures”.

231. For any reference to the Agency, other than in regulation 3, substitute a reference to the appropriate agency.

232.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Agency”.

(3) In the appropriate place insert—

““the appropriate agency” means—

- (a) in relation to a bathing water in England, the Environment Agency;
- (b) in relation to a bathing water in Wales, the Natural Resources Body for Wales;”.

233. In regulation 3(2), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Dee Estuary Cockle Fisheries Order 2008

234. The Dee Estuary Cockle Fishery Order 2008(3) is amended as follows.

235.—(1) Article 2 is amended as follows.

(2) After the definition of “cockle” insert—

““England” includes the sea adjacent to England to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured;”.

(3) For the definition of “the grantee” substitute—

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- (1) S.I. 2007/3544 as amended by S.I. 2008/574, S.I. 2008/960, S.I. 2008/1277, S.I. 2008/1284, S.I. 2008/1597, S.I. 2008/1816, S.I. 2009/2824, S.I. 2009/2981, S.I. 2010/630 (C. 42), S.I. 2010/671, S.I. 2010/2960, S.I. 2010/3028, S.I. 2011/881, S.I. 2011/2377 (W. 250), S.I. 2011/2937, S.I. 2012/641, S.I. 2012/1479.
 - (2) S.I. 2008/1097.
 - (3) S.I. 2008/1472

““the grantee” means the Environment Agency in relation to England and the Natural Resources Body for Wales in relation to Wales;”.

(4) In the appropriate place, insert—

“Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006(1).”

236. In article 5, after paragraph (1), insert—

“(1A) A licence must apply in relation to the whole of the area of the fishery.”

REACH Enforcement Regulations 2008

237. The REACH Enforcement Regulations 2008(2) are amended as follows.

238. In regulation 2, in the definition of “enforcing authority”, after sub-paragraph (f), insert—

“(fa) the Natural Resources Body for Wales;”.

239. In regulation 21(2)(a), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

240.—(1) In Schedule 1, the Table is amended as follows.

(2) In the third column, in the rows relating to the articles listed in paragraph (3)—

- (a) after “The Health and Safety Executive.” insert “In relation to England,”;
- (b) after “Agency.” insert “In relation to Wales, the Natural Resources Body for Wales.”

(3) Paragraph (2) applies to the rows relating to the following articles—

- (a) article 9(6);
- (b) article 14(6);
- (c) article 36(1);
- (d) article 37(4);
- (e) in both rows relating to article 37(5);
- (f) article 37(6);
- (g) article 38(1);
- (h) article 38(3);
- (i) article 56(1);

(1) 2006 c.32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect.

(2) S.I. 2008/2852 as amended by S.I. 2009/716, S.I. 2010/1513, S.I. 2011/3058, S.I. 2012/632.

- (j) article 56(2);
- (k) article 60(10);
- (l) article 67(1).

241. In Schedule 2, in paragraph 1, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

242. In Schedule 6, in the heading to Part 1, after “The Environment Agency,” insert “the Natural Resources Body for Wales,”.

243.—(1) Schedule 7 is amended as follows.

(2) In the heading to Section 1, after “The Environment Agency” insert “, the Natural Resources Body for Wales”.

(3) In paragraph 1, after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

244.—(1) Schedule 8 is amended as follows.

(2) In the heading to Part 1, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

(3) In paragraph 1—

(a) for sub-paragraph (a) substitute—

“(a) the Environment Agency, the Secretary of State;”;

(b) after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, the Welsh Ministers;”.

Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008

245. The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008(1) are amended as follows.

246.—(1) Regulation 2 is amended as follows.

(2) In the definition of “competent authority”—

(a) in sub-paragraph (a) , omit “and Wales”;

(b) after sub-paragraph (c), insert—

“(d) in Wales, the Natural Resources Body for Wales;”.

247. In regulation 16, for “and Wales” substitute “the Welsh Ministers in Wales,”.

(1) S.I. 2008/3087.

Environmental Damage (Prevention and Remediation) Regulations 2009

248. In regulation 10 of the Environmental Damage (Prevention and Remediation) Regulations 2009(1), for paragraph (2) substitute—

“(2) If either the Environment Agency or the Natural Resources Body for Wales is responsible for granting the permit, they are enforced by the Environment Agency in all cases.”

Ozone-Depleting Substances (Qualifications) Regulations 2009

249.—(1) Regulation 7 of the Ozone-Depleting Substances (Qualifications) Regulations 2009(2) is amended as follows.

(2) In paragraphs (1), (2) and (4), for any reference to the Agency substitute a reference to the appropriate authority.

(3) In paragraph (5)—

- (a) omit the definition of “the Agency”;
- (b) before the definition of “the local authority” insert—

““the appropriate agency” means—

- (a) as regards England, the Environment Agency;
- (b) as regards Wales, the Natural Resources Body for Wales;
- (c) as regards Scotland, the Scottish Environment Protection Agency;”.

Fluorinated Greenhouse Gas Regulations 2009

250. The Fluorinated Greenhouse Gas Regulations 2009(3) are amended as follows.

251.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1), for the definition of “the Agency” substitute—

““the appropriate agency” means—

- (a) as regards England, the Environment Agency;
- (b) as regards Wales, the Natural Resources Body for Wales;
- (c) as regards Scotland, the Scottish Environment Protection Agency;”.

(1) S.I. 2009/153 as amended by S.I. 2009/3275, S.I. 2010/587, S.I. 2010/675, S.I. 2010/2221, S.I. 2011/556 (C. 19), S.I. 2011/988, S.I. 2011/2131, S.I. 2012/630.
(2) S.I. 2009/216 as amended by S.I. 2011/1543.
(3) S.I. 2009/261 as amended by S.I. 2010/1513.

(3) In paragraph (3), for “the Agency”, in each place where it occurs, substitute “the appropriate agency”.

252. In regulation 56(5), for “the Agency” substitute “the appropriate authority”.

Waste Batteries and Accumulators Regulations 2009

253. The Waste Batteries and Accumulators Regulations 2009(1) are amended as follows.

254.—(1) Regulation 2(1) is amended as follows.

(2) In the definition of “extension of approval charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW”.

(3) After the definition of “industrial battery” insert—

““NRBW” means the Natural Resources Body for Wales”.

(4) In the definition of “scheme application charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW”.

(5) in the definition of “scheme subsistence charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW”.

(6) in the definition of “treatment, recycling and export application charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW”.

255.—(1) Regulation 3(2) is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a) insert—

“(aa) Wales is the NRBW;”

256. In regulation 13(2)(d)(i), after the words “Environment Agency” insert “, the NRBW”.

257.—(1) Regulation 83 is amended as follows.

(2) In paragraph (1), after “Environment Agency”, insert “the NRBW,”.

(3) In paragraph (2)—

(a) in sub-paragraph (a), omit the words after “Secretary of State” to the end;

(b) after sub-paragraph (a), insert—

“(aa) against a decision of the NRBW must be made to the Welsh Ministers;”.

(4) Omit paragraph (3).

258.—(1) Regulation 86(2) is amended as follows.

(2) in sub-paragraph (a), omit “and Wales”.

(1) S.I. 2009/890 as amended by S.I. 2009/3381, S.I. 2010/675, S.I. 2011/988.

- (3) after sub-paragraph (a), insert—
“(aa) in Wales, the NRBW;”.

Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009

259.—(1) Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009(1) is amended as follows.

(2) In the entry relating to section 42(2)(c), in column 2, in paragraph (c), after sub-paragraph (xi) insert—

“(xia) the Natural Resources Body for Wales;”.

(3) In the entry relating to section 68(3)(c), in column 2, in paragraph (b), after sub-paragraph (xi) insert—

“(xia) the Natural Resources Body for Wales and is not below the grade of senior manager;”.

(4) In the entry relating to section 378(1)(b), in column 2, in paragraph (b) of the entry relating to England and Wales, after sub-paragraph (xi) insert—

“(xia) the Natural Resources Body for Wales;”.

(5) In the entry relating to section 378(2)(d), in column 2, in paragraph (b) of the entry relating to England and Wales, after sub-paragraph (xi) insert—

“(xia) the Natural Resources Body for Wales and is not below the grade of senior manager;”.

Infrastructure Planning (National Policy Statement Consultation) Regulations 2009

260.—(1) Regulation 3 of the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009(2), is amended as follows.

(2) In Table 1—

- (a) in column 2 of the entry for the Forestry Commission, after “forests or woodlands” insert “in England or Scotland”;
- (b) in column 1, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

(1) S.I. 2009/975 as amended by S.I. 2009/2707, S.I. 2009/2748, S.I. 2011/2085.
(2) S.I. 2009/1302 as amended by S.I. 2010/439.

**Major Accident Off-Site Emergency Plan
(Management of Waste from Extractive Industries)
(England and Wales) Regulations 2009**

261. The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009⁽¹⁾ are amended as follows.

262. For “the Environment Agency”, in each place where it occurs, substitute “the regulator”.

263.—(1) Regulation 2 is amended as follows.

(2) Before the definition of “Category A mining waste facility”, insert—

““the 2010 Regulations” means the Environmental Permitting (England and Wales) Regulations 2010;”.

(3) Before the definition of “site”, insert—

““regulator” means—

(a) the Natural Resources Body for Wales where that body is the regulator of the mining waste facility under the 2010 Regulations;

(b) the Environment Agency, where that body is the regulator of the mining waste facility under the 2010 Regulations;”.

264. In regulation 4(1), for “in its area” substitute “in the authority’s area”.

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

265.—(1) In Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽²⁾, the Table is amended as follows.

(2) In the entry for the Environment Agency, in columns 2 and 3, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

(4) In the entry for the Forestry Commission, in columns 2 and 3, after “forests or woodlands” insert “in England or Scotland”.

(5) After the entry for the Forestry Commission, insert a new entry—

(1) S.I. 2009/1927.

(2) S.I. 2009/2264 as amended by S.I. 2010/439, S.I. 2012/635.

“The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	All applications likely to affect the protection or expansion of forests and woodlands in Wales”
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Flood Risk Regulations 2009

266. The Flood Risk Regulations 2009(1) are amended as follows.

267. After regulation 8B insert—

““Appropriate agency”

8C. The “appropriate agency” means—

- (a) in relation to a river basin district that is wholly in Wales, the Natural Resources Body for Wales;
- (b) in relation to a river basin district that is partly in Wales and partly in England, the Natural Resources Body for Wales and the Environment Agency acting jointly;
- (c) in relation to any other river basin district, the Environment Agency.”

268. In regulation 9(1), for “Environment Agency” substitute “appropriate agency”.

269.—(1) Regulation 10 is amended as follows.

(2) In paragraph (3), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (5), for “Agency’s” substitute “appropriate agency’s”.

270. In regulation 11(2)(a), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

271.—(1) Regulation 12 is amended as follows.

(2) In paragraph (2)(b), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

(3) In paragraph (7), for “Environment Agency”, in the first place where it occurs, substitute “appropriate agency”.

272.—(1) Regulation 13 is amended as follows.

(2) In paragraph (1), for “Environment Agency” substitute “appropriate agency”.

(1) S.I. 2009/3042 as amended by S.I. 2010/1102, S.I. 2011/2880 (W. 308).

(3) In paragraph (2), for “Agency” substitute “appropriate agency”.

273.—(1) Regulation 14 is amended as follows.

(2) In paragraph (4), for “Environment Agency” substitute “appropriate agency”.

(3) For any reference to the Agency substitute a reference to the appropriate agency.

274. In regulation 15(1), for “Environment Agency” and “Agency” substitute “appropriate agency”.

275. In regulation 16, for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

276. In regulation 18, for “Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

277.—(1) Regulation 19 is amended as follows.

(2) In paragraph (4), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (6), for “Agency’s” substitute “appropriate agency’s”.

278. In regulation 20(8), for “Environment Agency” in the first place where it occurs, substitute “appropriate agency”.

279. In regulation 21(4), for “Environment Agency”, in the first place where it occurs, substitute “appropriate agency”.

280. In regulations 22, 23 and 25, for “Environment Agency” and “Agency”, in each place where they occur, substitute “appropriate agency”.

281.—(1) Regulation 26 is amended as follows.

(2) In paragraph (3), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (5), for “Agency’s” substitute “appropriate agency’s”.

282.—(1) Regulation 27 is amended as follows.

(2) In paragraphs (7) and (8), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraph (9), in sub-paragraphs (a) and (b), for “Environment Agency”, in the first place where it occurs, substitute “appropriate agency”.

283. In regulations 28(1) and 29(1), for “Environment Agency” substitute “appropriate agency”.

284.—(1) Regulation 32 is amended as follows.

(2) In the heading and paragraphs (1)(a) and (3), for “Environment Agency” substitute “appropriate agency”.

(3) In paragraphs (2) and (6), for “Agency”, in each place where it occurs, substitute “appropriate agency”.

285.—(1) Regulation 35(2) is amended as follows.

(2) In sub-paragraph (a), omit “and”.

(3) After sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, and”.

286.—(1) Regulation 36 is amended as follows.

(2) In paragraph (1)—

(a) after “the Environment Agency” insert “or the Natural Resources Body for Wales”;

(b) after “the Agency” insert “or the Body”.

(3) In paragraph (2), for “The Environment Agency and an” substitute “An”.

(4) In paragraph (3)—

(a) before sub-paragraph (a) insert—

“(za) the Environment Agency,

(zb) the Natural Resources Body for Wales;”;

(b) omit sub-paragraph (k).

Eels (England and Wales) Regulations 2009

287. The Eels (England and Wales) Regulations 2009(1) are amended as follows.

288. For any reference to the Agency, other than in regulations 2 and 11, substitute a reference to the appropriate agency.

289.—(1) Regulation 2 is amended as follows.

(2) After the definition of “the Agency”, insert—

““the appropriate agency” means—

(a) in relation to England, the Agency, and

(b) in relation to Wales, the NRBW;”.

(3) After the definition of “fish pass”, insert—

““the NRBW” means the Natural Resources Body for Wales;”.

Infrastructure Planning (Interested Parties) Regulations 2010

290.—(1) In the Schedule to the Infrastructure Planning (Interested Parties) Regulations 2010(2), the Table is amended as follows.

(1) S.I. 2009/3344 as amended by S.I. 2011/2976.

(2) S.I. 2010/102 as amended by S.I. 2012/635.

(2) In the entry for the Environment Agency, in column 2, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

(4) In the entry for the Forestry Commission, in column 2, after “forests or woodlands” insert “in England or Scotland”.

(5) After the entry for the Forestry Commissioners, insert a new entry—

“The Natural Resources Body for Wales	All applications likely to affect the protection or expansion of forests and woodlands in Wales”
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Infrastructure Planning (Compulsory Acquisition) Regulations 2010

291.—(1) In Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(1) (S.I. 2010/104), the Table is amended as follows.

(2) In the entry for the Environment Agency, in column 2, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

(4) In the entry for the Forestry Commission, in column 2, after “forests or woodlands” insert “in England or Scotland”.

(5) After the entry for the Forestry Commissioners insert a new entry—

“The Natural Resources Body for Wales	All proposed provisions likely to affect the protection or expansion of forests and woodlands in Wales”
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Mercury Export & Data (Enforcement) Regulations 2010

292.—(1) Regulation 4(1) of the Mercury Export & Data (Enforcement) Regulations 2010(2) is amended as follows.

(2) In sub-paragraph (a), omit “and Wales”.

(3) After sub-paragraph (a), insert—

“(aa) in Wales, the Natural Resources Body for Wales;”.

(1) S.I. 2010/104 as amended by S.I. 2011/2055, S.I. 2012/635.
(2) S.I. 2010/265 as amended by S.I. 2012/630.

Conservation of Habitats and Species Regulations 2010

293. The Conservation of Habitats and Species Regulations 2010(1) are amended as follows.

294. For “the Countryside Council for Wales”, in each place where it occurs other than in regulations 9, 56 and 134, substitute “the Natural Resources Body for Wales”.

295. In regulation 9(2), for the words from “sections 131, 132 and 134” to “Countryside Council for Wales)” substitute “the Natural Resources Body for Wales (Establishment) Order 2012, where the functions are exercised for purposes relating to nature conservation”.

296. In regulation 9A(10), after “Forestry Commissioners,” insert “the Natural Resources Body for Wales,”.

297.—(1) Regulation 56 is amended as follows.

(2) In paragraph (2)—

(a) after “means”, insert “in relation to England”;

(b) for sub-paragraphs (a) and (b) substitute—

“(a) so far as the licence relates to the restricted English inshore region, the Marine Management Organisation, and

(b) otherwise, Natural England.”

(3) In paragraph (3), after “granted” insert “in relation to England”.

(4) After paragraph (3), insert—

“(4) In the case of a licence granted in relation to Wales, “relevant licensing body” means the Natural Resources Body for Wales.”

298. In regulation 99(2), after “the Environment Agency” insert “in relation to England or the Natural Resources Body for Wales in relation to Wales”.

299. In regulation 127(2), after “the Environment Agency” insert “in relation to England or the Natural Resources Body for Wales in relation to Wales”.

Environmental Permitting (England and Wales) Regulations 2010

300. The Environmental Permitting (England and Wales) Regulations 2010(2) are amended as follows.

301.—(1) Regulation 2(1) is amended as follows.

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- (1) S.I. 2010/490 as amended by S.I. 2011/625, S.I. 2012/630, S.I. 2012/635, S.I. 2012/1927.
- (2) S.I. 2010/675 as amended by S.I. 2010/676, S.I. 2010/2172, S.I. 2011/881, S.I. 2011/988, S.I. 2011/2043, S.I. 2011/2377 (W. 250), S.I. 2011/2933, S.I. 2012/630, S.I. 2012/811.

(2) After the definition of “agricultural waste” insert—

““appropriate agency” means—

- (a) in relation to England, the Agency;
- (b) in relation to Wales, the NRBW;”.

(3) After the definition of “non-hazardous waste” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

(4) In the definition of “rule-making authority”, in sub-paragraph (b), for “Agency” substitute “appropriate agency”.

302.—(1) Regulation 32 is amended as follows.

(2) In paragraph (1)—

- (a) after “regulation 33” insert “and paragraph 11A of Schedule 23”;
- (b) for “paragraph (2)” substitute “paragraph (1A) or (2)”.

(3) After paragraph (1) insert—

“(1A) Subject to regulation 33, functions in relation to a regulated facility which is or will be operated in Wales, other than a regulated facility mentioned in paragraph (2), are exercisable by the NRBW.”

(4) After paragraph (4) insert—

“(4A) Subject to regulation 38(2A) if the principal place of business of an operator of mobile plant, other than mobile plant mentioned in paragraph (2), is in England and Wales, functions in relation to that regulated facility are exercisable by the appropriate agency in whose area the place of business is.

(4B) Subject to regulation 38(2A) if the principal place of business of an operator of mobile plant, other than mobile plant mentioned in paragraph (2), is not in England and Wales, functions in relation to that regulated facility are exercisable by—

- (a) the appropriate agency which granted the environmental permit authorising the operation of the regulated facility; or
- (b) if no permit has been granted, the appropriate agency in whose area the regulated facility is first operated or intended to be operated.”

303.—(1) Regulation 33 is amended as follows.

(2) In paragraph (6), omit “and” and before “the Agency” insert “where the appropriate agency is the Secretary of State,”.

(3) After sub-paragraph (a), insert—

“(aa) where the appropriate authority is the Welsh Ministers, the NRBW, and”.

304. In regulation 38, after paragraph (2) insert—

“(2A) The appropriate agency for the purposes of enforcing the offence described in paragraph (2) is the appropriate agency in whose area the offence was committed.”

305. In regulations 33, 46, 58, 59, 61, 63 and 65, for any reference to the Environment Agency or to the Agency substitute a reference to the appropriate agency.

306. In regulation 108, at the end of paragraph (2) insert “and in relation to Wales references to the Agency in paragraph 2(1) of Schedule 2, and in paragraphs 7(2)(a) and 30(1)(b)(i) of Schedule 3, are deemed to be references to the NRBW such that the NRBW is the exemption registration authority in relation to waste operations in Wales falling within Part 1 of Schedule 3, subject to paragraphs 2(2) and 2(3)”.

307.—(1) Schedule 2 is amended as follows.

(2) In paragraph 1(1), in the definition of “applicable fee”, for “Agency” substitute “appropriate agency”.

(3) In paragraph 2(1), (4) and (5), for “Agency” substitute “appropriate agency”.

308. In Schedule 23, after paragraph 11 insert—

“11A Discharge of functions: mobile radioactive apparatus

Subject to regulation 38(2A), if the principal place where the apparatus mentioned in paragraph 11(5) is kept when not in use, is in England or Wales, functions in relation to that apparatus are exercisable by the appropriate agency in whose area the principal place of keeping is.”

CRC Energy Efficiency Scheme Order 2010

309. The CRC Energy Efficiency Scheme Order 2010(1) is amended as follows.

310.—(1) Article 9 is amended as follows.

(2) In paragraph (1)(b)—

(a) in paragraph (i) omit “and Wales”;

(b) after paragraph (i) insert—

“(ia) the Natural Resources Body for Wales, in respect of Wales;”.

(3) In paragraph (2), after sub-paragraph (a) insert—

(1) S.I. 2010/768 as amended by S.I. 2011/234.

“(aa) the Natural Resources Body for Wales, the Welsh Ministers;”.

311.—(1) Schedule 10 is amended as follows.

(2) In paragraph (2)—

(a) for sub-paragraph (a) substitute—

“(a) the Environment Agency, the appeal body is the Secretary of State;”;

(b) after sub-paragraph (a) insert—

“(aa) the Natural Resources Body for Wales, the appeal body is the Welsh Ministers;”.

(3) In paragraph (6), after sub-paragraph (a) insert—

“(aa) the Welsh Ministers;”.

Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010

312.—(1) Regulation 2 of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010(1) is amended as follows.

(2) In the definition of “the consultation bodies”, in sub-paragraph (a)(ii), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Flood Risk Management Functions Order 2010

313. In article 2(1)(a) of the Flood Risk Management Functions Order 2010(2), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011

314. In article 5(2) of the Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011(3), after “the Agency”, in each place where it occurs, insert “in relation to English Committees or the Natural Resources Body for Wales in relation to Welsh Committees”.

Regional Flood and Coastal Committees (England and Wales) Regulations 2011

315. The Regional Flood and Coastal Committees (England and Wales) Regulations 2011(4) are amended as follows.

(1) S.I. 2010/768 as amended by S.I. 2011/234.
(2) S.I. 2010/2232.
(3) S.I. 2011/694.
(4) S.I. 2011/695.

316.—(1) For “Agency”, in each place where it occurs, substitute “appropriate agency”, but this is subject to sub-paragraph (2).

(2) Sub-paragraph (1) does not apply to regulations 2(1), 3, 8(4), 11(1)(b)(i), 31, 32 or 35(4).

317.—(1) Regulation 4 is amended as follows.

(2) In paragraph (3)(a), in the opening words, for “and” substitute “or”.

(3) After paragraph (6), insert—

“(7) In the case of a revision affecting the boundary between a region wholly or mainly in England and a region wholly or mainly in Wales—

(a) the functions of the appropriate agency under paragraphs (1) and (2) are exercisable by the Agency and the Natural Resources Body for Wales acting jointly;

(b) paragraph 3(a) is satisfied when both the Agency and the Natural Resources Body for Wales publish a map or maps fulfilling the conditions specified in that paragraph.”

318. In regulation 11(1)(b)(i), after “the Agency” insert “or the Natural Resources Body for Wales”.

Environment Agency (Levies) (England and Wales) Regulations 2011

319. The Environment Agency (Levies) (England and Wales) Regulations 2011(1) are amended as follows.

320. In the title to the Regulations, for “Environment Agency” substitute “Flood and Coastal Erosion Risk Management”.

321.—(1) Regulation 1 is amended as follows.

(2) In paragraph (1)(a), for “Environment Agency” substitute “Flood and Coastal Erosion Risk Management”.

(3) After paragraph (2) insert—

“(3) Any reference to the Environment Agency (Levies) (England and Wales) Regulations 2011, wherever it occurs, is to be treated as a reference to these Regulations.”

322.—(1) Regulation 2 is amended as follows.

(2) For any reference to the Agency, other than in the definition of “the Agency”, substitute a reference to the appropriate agency.

(1) S.I. 2011/696.

(3) In the appropriate place insert—

““the appropriate agency” means the Agency in relation to England and the Natural Resources Body for Wales in relation to Wales;”.

323. In regulations 3 to 6 and 8 to 12, for any reference to the Agency substitute a reference to the appropriate agency.

Waste (England and Wales) Regulations 2011

324. The Waste (England and Wales) Regulations 2011(1) are amended as follows.

325. For any reference to the Environment Agency or to the Agency, other than in regulations 3, 9 and 29, substitute a reference to the appropriate body.

326. In regulation 3(1), after the definition of “appropriate authority” insert—

““appropriate body” means—

- (a) in relation to England, the Environment Agency;
- (b) in relation to Wales, the Natural Resources Body for Wales;”.

327. For regulation 9 substitute—

“Directions to the appropriate body

9.—(1) An appropriate authority may give directions to an appropriate body requiring it—

- (a) to advise the authority on the measures or policies which are to be included in a waste prevention programme or waste management plan;
- (b) to carry out a survey or investigation into any other matter in connection with the preparation of such a programme or plan or any modification of it, and report its findings to the authority.

(2) A direction given under paragraph (1)(b)—

- (a) must specify or describe the matters which are to be the subject of the survey or investigation;
- (b) may specify bodies or persons to be consulted before carrying out the survey or investigation; and
- (c) may make provision in relation to the manner in which—

(1) S.I. 2011/988 as amended by S.I. 2011/600 (W. 88), S.I. 2011/2043.

- (i) the survey or investigation is to be carried out; or
- (ii) the findings are to be reported and made available.

(3) The appropriate body must comply with a direction given under paragraph (1).

(4) Where a direction is given under paragraph (1)(b), the appropriate body must also consult any body or person that it considers appropriate but is not specified in the direction.

(5) The appropriate body must make its findings available to the bodies and persons it consults.

(6) The power under paragraph (1) may only be exercised—

- (a) by the Secretary of State in relation to the Natural Resources Body for Wales with the consent of the Welsh Ministers;
- (b) by the Welsh Ministers in relation to the Environment Agency, with the consent of the Secretary of State.”

328. For regulation 29 substitute—

“Procedure for registration

29.—(1) This regulation applies to—

- (a) registration of a carrier for the purposes of the Control of Pollution (Amendment) Act 1989; and
- (b) registration of a broker or dealer for the purposes of regulation 25.

(2) An application for registration must be made to the appropriate body, using the form provided by that body.

(3) All the information required by the form must be provided, together with any fee prescribed in a charging scheme made by the appropriate body under section 41 of the Environment Act 1995.

(4) The appropriate body may require additional information to be provided.

(5) Registration may be refused if, in the opinion of the appropriate body—

- (a) it is undesirable for the applicant to be authorised to transport controlled waste or to act as a broker or dealer of controlled waste (as the case may be); and
- (b) the applicant or another relevant person has been convicted of an offence under—

- (i) regulation 42,
- (ii) section 1, 5 or 7(3) of the Control of Pollution (Amendment) Act 1989,
- (iii) section 33 or 34 of the Environmental Protection Act 1990,
- (iv) section 110(2) of the Environment Act 1995,
- (v) the Hazardous Waste (England and Wales) Regulations 2005,
- (vi) the Hazardous Waste (Wales) Regulations 2005,
- (vii) the Transfrontier Shipment of Waste Regulations 2007,
- (viii) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007, or
- (ix) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010.

(6) On registration the appropriate body must provide a certificate of registration to the applicant.

(7) If registration is refused the appropriate body must notify the applicant and give written reasons for the refusal.

(8) For the purposes of an application under paragraph (2) the appropriate body is—

- (a) in the case of a carrier, broker or dealer whose registered office or principal place of business is in England, the Environment Agency;
- (b) in the case of a carrier, broker or dealer whose registered office or principal place of business is in Wales, the Natural Resources Body for Wales.”

329.—(1) In Schedule 1, paragraph 13 is amended as follows.

(2) In the definition of “consultation bodies”, in subparagraph (b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Environmental Protection (Control of Ozone-Depleting Substances) Regulations 2011

330.—(1) Regulation 7 of the Environmental Protection (Control of Ozone-Depleting Substances) Regulations 2011(1) is amended as follows.

(2) In paragraph (1), for “the Agency” substitute “the appropriate agency”.

(3) In paragraph (5)—

(a) omit the definition of “the Agency”;

(b) before the definition of “local authority” insert—

““the appropriate agency” means—

(a) as regards England, the Environment Agency;

(b) as regards Wales, the Natural Resources Body for Wales;

(c) as regards Scotland, the Scottish Environment Protection Agency;”.

Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011

331.—(1) In Schedule 1 to the Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011(2), the Table is amended as follows.

(2) In the entry for the Environment Agency, in columns 2 and 3, omit “and/or Wales”.

(3) In column 1, for “The Countryside Council for Wales” substitute “The Natural Resources Body for Wales”.

(4) In the entry for the Forestry Commission, in columns 2 and 3, after “forests or woodlands” insert “in England or Scotland”.

(5) after the entry for the Forestry Commissioners insert a new entry—

“The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	All applications likely to affect the protection or expansion of forests and woodlands in Wales”
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(1) S.I. 2011/1543.

(2) S.I. 2011/2055 as amended by S.I. 2012/635.

Greenhouse Gas Emissions Trading Scheme Regulations 2012

332. The Greenhouse Gas Emissions Trading Scheme Regulations 2012 are amended as follows.

333.—(1) Regulation 3(1) is amended as follows.

(2) In the definition of “regulator”—

(a) in sub-paragraph (a)(i) omit “and Wales”;

(b) after sub-paragraph (a)(iii) insert—

“(iv) Wales, the NRBW;”.

(3) After the definition of “notice of surrender” insert—

““the NRBW” means the Natural Resources Body for Wales;”.

334.—(1) Regulation 21 is amended as follows.

(2) In the definition of “area”—

(a) in sub-paragraph (a) omit “and Wales”;

(b) after sub-paragraph (c) insert—

“(d) in respect of the NRBW, Wales;”.

(3) In the definition of “authority”, for sub-paragraph (a) substitute—

“(a) the Welsh Ministers, where P’s regulator is the NRBW;”.

335.—(1) Regulation 28 is amended as follows.

(2) In paragraph (a)(i), omit “or Wales”.

(3) At the end of paragraph (c), for “.” substitute “;”.

(4) After paragraph (c) insert—

“(d) the NRBW, where P has its registered office in Wales.”

336.—(1) Regulation 48(5) is amended as follows.

(2) In sub-paragraph (a) omit “and Wales”;

(3) In sub-paragraph (b), after “in relation to” insert “Wales,”.

337. In regulation 87, after paragraph (1) insert—

“(1A) The relevant provisions continue to have effect as if—

(a) in regulation 2(1) the definition of “regulator” was amended as follows—

(i) in sub-paragraph (i) omit “and Wales”;

(ii) after sub-paragraph (i) insert—

“(ia) in relation to an installation (other than an offshore installation) which is (or will be) situated in Wales, the Natural Resources Body for Wales;”;

- (b) regulation 35(5) was amended as follows—
 - (i) in sub-paragraph (a) omit “and Wales”; and
 - (ii) in sub-paragraph (b) after “in relation to” insert “Wales,”.

338. In regulation 89, after paragraph (1) insert—

“(1A) The relevant provisions have effect as if the 2010 Regulations were amended as follows—

- (a) in regulation 4(1)—
 - (i) in sub-paragraph (a)(i) omit “and Wales”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) the Natural Resources Body for Wales, where the UK operator has its registered office in Wales.”;
- (b) for regulation 7(a) substitute—
 - “(a) the Welsh Ministers, where the regulator is the Natural Resources Body for Wales;”;
- (c) in regulation 52(9)—
 - (i) for sub-paragraph (a) substitute—
 - “(a) in respect of an appeal against a notice or deemed refusal of the Environment Agency, the Secretary of State;”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) in respect of an appeal against a notice or deemed refusal of the Natural Resources Body for Wales, the Welsh Ministers;”;
- (d) in regulation 60—
 - (i) in paragraph (5)(a) for “paragraph (5A)” substitute “paragraphs (5A) to (5C)”;
 - (ii) in paragraph (5)(g) after “and 9” insert “, as modified by paragraph (7A)”;
 - (iii) for paragraph (5A) substitute—
 - “(5A) In regulation 2—
 - (a) in the definition of “area”—
 - (i) in sub-paragraph (a) omit “and Wales”
 - (ii) after sub-paragraph (a) insert—

- “(aa) in respect of the Natural Resources Body for Wales, Wales;
- (b) in the definition of “UK operator”, after “means” insert “(subject to regulation 2A of the Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2010.”;
- (iv) after paragraph (5A) insert—
 - “(5B) In regulation 4—
 - (a) in sub-paragraph (a)(i) omit “and Wales”;
 - (b) after sub-paragraph (a) insert—
 - “(aa) the Natural Resources Body for Wales, where the UK operator has its registered office in Wales;”.
- (5C) For regulation 7(a) substitute—
 - “(a) the Welsh Ministers, where the regulator is the Natural Resources Body for Wales;”.
- (v) after paragraph (7) insert—
 - “(7A) In regulation 36(6)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) in respect of an appeal against a notice or deemed refusal of the Environment Agency, the Secretary of State”;
 - (b) after sub-paragraph (a) insert—
 - “(aa) in respect of an appeal against a notice or deemed refusal of the Natural Resources Body for Wales, the Welsh Ministers;”.

339. In Schedule 10, in paragraph 1(1)(a)(ii) for “the registered office of the UK operator is in Wales” insert “the NRBW is the regulator”.

WELSH STATUTORY
INSTRUMENTS

**Countryside Access (Draft Maps) (Wales)
Regulations 2001**

1. The Countryside Access (Draft Maps) (Wales) Regulations 2001(1) are amended as follows.

2. For any reference to the Council, other than in regulation 2, substitute a reference to the NRBW.

3.—(1) Regulation 2 is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

(4) In the definition of “draft map”, for “the Council” substitute “the NRBW”.

(5) In the definition of “issued”, for “the Council” substitute “the NRBW”.

(6) In the definition of “section 4(2) land”, for “the Council” substitute “the NRBW”.

4. In Schedule 1, after “Forestry Commission” insert “(where land included in a draft map has a border with England)”.

Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002

5. The Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002(2) are amended as follows.

6. For “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

7. For “the Council”, in each place where it occurs, substitute “the Body”.

Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002

8. The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002(3) are amended as follows.

(1) S.I. 2001/4001(W. 329) as amended by S.I. 2002/1796 (W. 171).
(2) S.I. 2002/1772 (W. 168).
(3) S.I. 2002/1796 (W. 171).

9.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) In the appropriate place insert—

““the NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

10. For every other reference to the Council substitute a reference to the NRBW.

11. In Schedule 1, after both “The Environment Agency” and “Forestry Commission” insert “(where land included in the provisional or conclusive map has a border with England)”.

Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002

12.—(1) Regulation 13(4) of the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002⁽¹⁾ is amended as follows.

(2) In sub-paragraph (e), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) Omit sub-paragraph (f).

Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003

13. The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003⁽²⁾ are amended as follows.

14. In regulation 2(1), omit the definition of “the Council”.

15.—(1) Regulation 4(4) is amended as follows.

(2) In sub-paragraph (b), for “the Council” substitute “the Natural Resources Body for Wales”.

(3) Omit sub-paragraph (d).

Coast Protection (Notices) (Wales) Regulations 2003

16. In regulation 4(c) of the Coast Protection (Notices) (Wales) Regulations 2003⁽³⁾, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(1) S.I. 2002/3188 (W. 304) as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759.
(2) S.I. 2003/135 (W. 9).
(3) S.I. 2003/1847 (W. 197).

Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004

17.—(1) Regulation 3(3) of the Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004(1) is amended as follows.

(2) For sub-paragraph (b), substitute—

“(b) where the determination relates to an area that is the whole or part of an area of a water undertaker whose area is wholly in Wales, the Natural Resources Body for Wales;”.

(3) For sub-paragraph (c), substitute—

“(c) where the determination relates to an area that is the whole or part of an area of a water undertaker whose area is partly in Wales and partly in England, the Natural Resources Body for Wales and the Environment Agency;”.

Landfill Allowances Scheme (Wales) Regulations 2004

18. In regulation 5 of the Landfill Allowances Scheme (Wales) Regulations 2004(2), for “Environment Agency” substitute “Natural Resources Body for Wales”.

Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

19. In regulation 4 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(3), for paragraph (1) substitute—

“(1) Subject to paragraph (2), in relation to every plan or programme to which these Regulations apply, each of the following bodies are consultation bodies—

- (a) the Natural Resources Body for Wales;
- (b) Cadw.”

Hazardous Waste (Wales) Regulations 2005

20. The Hazardous Waste (Wales) Regulations 2005(4) are amended as follows.

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- (1) S.I. 2004/701 (W. 75) as amended by S.I. 2005/2035.
 - (2) S.I. 2004/1490 (W. 155) as amended by S.I. 2005/1820 (W. 148), S.I. 2011/971 (W. 141), S.I. 2012/65 (W. 16).
 - (3) S.I. 2004/1656 (W. 170).
 - (4) S.I. 2005/1806 (W. 138) as amended by S.I. 2006/937, S.I. 2007/3538, S.I. 2009/2861 (W. 250), S.I. 2010/675, S.I. 2010/1820 (W. 177), S.I. 2011/556 (C. 19), S.I. 2011/971 (W. 141), S.I. 2011/2043.

21.—(1) For any reference to the Agency substitute a reference to the NRBW, but this is subject to sub-paragraph (2).

(2) Sub-paragraph (1) does not apply to—

- (a) regulations 5, 11, 59 and 72; and
- (b) Schedules 9, 11 and 12.

22. In regulation 5(1), in the appropriate place insert—

““NRBW” (“*CANC*”) means the Natural Resources Body for Wales;”.

23. In regulation 11, after paragraph (a) insert—

“(aa) the NRBW;”.

24. In regulation 65A(1), for “the Environment Agency” substitute “the NRBW”.

25.—(1) Schedule 7 is amended as follows.

(2) In paragraph 4—

- (a) in sub-paragraph (3)(b) after “from Northern Ireland” insert “or the Agency (where the waste is transported from England)”;
- (b) in sub-paragraph (4)—
 - (i) after “or Northern Ireland” insert “or England”;
 - (ii) after “from Northern Ireland” insert “or the Agency (where the waste is transported from England)”.

(3) In paragraph 5—

- (a) in sub-paragraph (1) after “or Northern Ireland” insert “or England”;
- (b) in sub-paragraph (2)(a)(i) after “in Northern Ireland” insert “or the Agency (where the waste is to be consigned to a consignee in England)”.

26. In Schedule 10, in the Form of Fixed Penalty Notice, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

27.—(1) Regulation 2(1) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005(1), is amended as follows.

(2) In the definition of “specific consultation bodies”—

(1) S.I. 2005/2839 (W. 203) as amended by S.I. 2011/971 (W. 141).

- (a) in sub-paragraph (a), for “the Countryside Council for Wales” substitute “Natural Resources Body for Wales”;
- (b) omit sub-paragraph (b).

Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006

28. In regulation 18(2)(a) of the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006(1), after “the Agency” insert “, the Natural Resources Body for Wales,”.

Contaminated Land (Wales) Regulations 2006

29. In the Contaminated Land (Wales) Regulations 2006(2), for “the Environment Agency” and “the Agency”, in each place where they occur, other than in regulation 7(1)(r)(i) substitute “the Natural Resources Body for Wales”.

Controls on Dogs (Non-application to Designated Land) (Wales) Order 2007

30.—(1) In the Schedule to the Controls on Dogs (Non-application to Designated Land) (Wales) Order 2007(3), the Table is amended as follows.

(2) In the first description of land, in the first column, for “the Forestry Commissioners” substitute “the Natural Resources Body for Wales”.

Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007

31. The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007(4) are amended as follows.

32.—(1) In regulation 2(1), the definition of “consultation bodies” is amended as follows.

(2) In sub-paragraph (a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) Omit sub-paragraph (b).

33. In regulation 5(7)(d), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(1) S.I. 2006/2988 (W. 277) as amended by S.I. 2007/3250, S.I. 2008/521, S.I. 2010/2146.
 (2) S.I. 2006/2989 (W. 278) as amended by S.I. 2007/3538, S.I. 2010/675, S.I. 2012/283 (W. 47).
 (3) S.I. 2007/701 (W. 58).
 (4) S.I. 2007/2933 (W. 253).

Nitrate Pollution Prevention (Wales) Regulations 2008

34. The Nitrate Pollution Prevention (Wales) Regulations 2008(1) are amended as follows.

35.—(1) Regulation 6 is amended as follows.

(2) Omit the definition of “Agency”.

(3) In the appropriate place insert—

““Body” (*“y Corff”*) means the Natural Resources Body for Wales;”.

36. In regulation 49, for “the Environment Agency” substitute “the Body”.

37. In regulations 7(1)(a), 8(3), 13A, 13B, 13C, 13D and in paragraph 19(1) and (2) of Schedule 4, for “the Agency”, in each place where it occurs, substitute “the Body”.

Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

38. The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(2) are amended as follows.

39.—(1) Regulation 10 is amended as follows.

(2) For paragraph (2) substitute—

“(2) If either the Environment Agency or the Natural Resources Body for Wales is responsible for granting the permit, they are enforced by the Natural Resources Body for Wales in all cases.”

(3) In sub-paragraph (3)(b)(ii), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

(4) In sub-paragraph (3)(b)(iii), for “Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

40.—(1) Regulation 11 is amended as follows.

(2) In the table, in the third column—

(a) for “Environment Agency” in each place where it occurs substitute “Natural Resources Body for Wales”;

(b) for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

41. In regulation 31(2), for “Environment Agency” substitute “Natural Resources Body for Wales”.

(1) S.I. 2008/3143 (W. 278) as amended by S.I. 2010/489 (W.55), S.I. 2012/1238 (W. 151).

(2) S.I. 2009/995 (W. 81) as amended by S.I. 2011/556 (C. 19), S.I. 2011/971 (W. 141), S.I. 2011/2131, S.I. 2012/630.

Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009

42. In article 3(2)(a) of the Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009(1), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009

43.—(1) Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009(2) is amended as follows.

(2) In the definition of “the consultation bodies”—

(a) in sub-paragraph (b)(ii), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”;

(b) omit sub-paragraph (b)(iii).

(3) In the definition of “sensitive area”, in sub-paragraph (g), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010

44. The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010(3) are amended as follows.

45. For any reference to the Environment Agency, other than in regulation 2(1), substitute a reference to the NRW.

46.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “Environment Agency”.

(3) In the appropriate place insert—

““NRBW” (“CANW”) means the Natural Resources Body for Wales;”.

(1) S.I. 2009/3050 (W. 267) as amended by S.I. 2010/1142 (W. 101).
(2) S.I. 2009/3342 (W. 293).
(3) S.I. 2010/1493 (W. 136).

Environmental Civil Sanctions (Wales) Order 2010

47. In article 2 of the Environmental Civil Sanctions (Wales) Order 2010(1), for “The Environment Agency” substitute “The Natural Resources Body for Wales”(2).

Llangollen and Corwen Railway Order 2010

48. In the Llangollen and Corwen Railway Order 2010(3), for any reference to the Environment Agency substitute a reference to the Natural Resources Body for Wales.

Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010

49. In article 4(1)(a) of the Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010(4), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Marine Licensing (Exempted Activities) (Wales) Order 2011

50. The Marine Licensing (Exempted Activities) (Wales) Order 2011(5) is amended as follows.

51. In articles 18(1) and 19(1), after “by or on behalf of” insert “the Natural Resources Body for Wales or”.

52. In article 25(1) for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011

53. In regulation 1(c)(ii) of the Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011(6), after “the Environment Agency” insert “and the Natural Resources Body for Wales”.

(1) S.I. 2010/1821 (W. 178).
(2) Schedule 7 contains transitional provisions relating to this Order.
(3) S.I. 2010/2136 (W. 192).
(4) S.I. 2010/2915 (W. 240).
(5) S.I. 2011/559 (W. 81).
(6) S.I. 2011/865 (W. 127).

Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

54. The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011(1) are amended as follows.

55. In regulation 2, in the definition of “the WasteDataFlow system”, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

56. In regulation 3(1), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Incidental Flooding and Coastal Erosion (Wales) Order 2011

57. The Incidental Flooding and Coastal Erosion (Wales) Order 2011(2) is amended as follows.

58. In article 3(3) for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

59.—(1) Article 4 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “NRBW”.

(3) In paragraph (2)—

(a) in sub-paragraph (b), for “(6)” substitute “(7)”;

(b) in sub-paragraph (d), for “157(6)(a)” substitute “157(7)(a)”;

(c) in sub-paragraph (e), for “157(6)(c)” substitute “157(7)(c)”.

60. In article 6, for “Agency”, in each place where it occurs, substitute “NRBW”.

61. In article 8, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

62. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3) is amended as follows.

63.—(1) Article 27(3) is amended as follows.

(2) In sub-paragraph (b), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

(1) S.I. 2011/1014 (W.152).

(2) S.I. 2011/2829 (W. 302).

(3) S.I. 2012/801 (W. 110).

(3) Omit sub-paragraph (c).

64.—(1) In Schedule 4, the Table is amended as follows.

(2) For any reference to the Countryside Council for Wales substitute a reference to the Natural Resources Body for Wales.

(3) For any reference to the Environment Agency substitute a reference to the Natural Resources Body for Wales.

OTHER SUBORDINATE
LEGISLATION

Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998

1. In direction 4(1) of the Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998, after paragraph (b) insert—

“(ba) The Natural Resources Body for Wales;”.

Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004

2. The Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004 is amended as follows.

3. In the title to the Order and in article 1, after “Environment Agency” insert “and the Natural Resources Body for Wales”.

4. After article 1, insert—

“1A. In this Order—

““the appropriate agency” means—

(a) in relation to England, the Environment Agency; and

(b) in relation to Wales, the Natural Resources Body for Wales;

“England” includes the sea adjacent to England to a distance of 12 nautical miles from the baselines from which the breadth of the territorial sea is measured; and

“Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006(1).”

5. In articles 5 and 9, for “the Agency” substitute “the appropriate agency”.

6. In article 6, for “Net Licensing Committee” substitute “Net Licence Officer”.

(1) 2006 c.32. The boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 of and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect.

Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009

7. The Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009 is amended as follows.

8. For “the Environment Agency”, in each place where it occurs, other than in article 2, substitute “the Natural Resources Body for Wales”.

9. For “the Agency’s area”, in each place where it occurs, other than in article 2, substitute “the NRBW’s area”.

10. For “the Agency”, in each place where it occurs, other than in article 2, substitute “the NRBW”.

11.—(1) Article 2 is amended as follows.

(2) Omit the following definitions—

- (a) “the Agency”;
- (b) “the Agency’s area”.

(3) In the the definition of “licence”, omit “and”.

(4) In the definition of “net licence officer”—

- (a) for “the Agency” substitute “the NRBW”;
- (b) for “the Agency’s area” substitute “the NRBW’s area”;
- (c) for “.” Substitute “;”.

(5) After the definition of “net licence officer” insert—

““the NRBW” means the Natural Resources Body for Wales;

“the NRBW’s area” means the area in respect of which the NRBW carries out its functions relating to fisheries pursuant to section 6(7A) of the Environment Act 1995.”

12. In article 5, for paragraph (1) substitute—

“(1) Subject to article 8(2), all applications for licences for each year pursuant to this Order must be made to the NRBW not later than the 31st day of December in the previous year.”

13. In article 6, for paragraph (2) substitute—

“6(2) The NRBW must publish the criteria referred to in paragraph (1) of this article, and make them available for public inspection at its offices.”

14. In the Schedule, in Parts 1 and 2, omit column 3.

TRANSITIONAL PROVISIONS AND SAVINGS

PART 1

General provisions

Interpretation

1.—(1) In this Schedule—

“the transfer date” (“*y dyddiad trosglwyddo*”) means 1 April 2013;

“transferee” (“*trosglwyddai*”) means the body or person by whom a transferred function becomes exercisable on the transfer date;

“transferor” (“*trosglwyddwr*”) means the body or person by whom a transferred function was exercisable immediately before the transfer date;

“transferred function” (“*swyddogaeth drosglwyddedig*”) means any function which, by virtue of any provision made by this Order, becomes exercisable on the transfer date by a body or person other than the body or person by whom it was exercisable immediately before that date.

(2) For the purpose of the definition of “transferred function”, it does not matter that a function continues to be exercisable on and after the transfer date by the transferor as well as the transferee (whether jointly or otherwise).

(3) In this Schedule, any reference to anything done by or in relation to a transferor includes a reference to anything which, by virtue of any enactment, is treated as having been done by or in relation to that transferor.

Continuity of exercise of functions

2.—(1) None of the following, that is to say—

- (a) the abolition of the CCW,
- (b) the transfer, modification, repeal or revocation by this Order of any function, or
- (c) the transfer by this Order of any property, rights or liabilities,

affects the validity of anything done before the abolition, transfer, modification, repeal or revocation takes effect.

(2) Anything (including, without limitation, legal proceedings) which, at the transfer date, is in the process of being done by or in relation to a transferor

in the exercise of, or in connection with, a transferred function may be continued by or in relation to the transferee.

(3) Anything done by or in relation to a transferor before the transfer date in the exercise of, or otherwise in connection with, a transferred function is, so far as is required for continuing its effect on and after that date, to have effect as if done by or in relation to the transferee.

(4) Any reference to a transferor (and any reference which is to be read as a reference to a transferor) in any document constituting or relating to anything to which the provisions of this paragraph apply is, so far as is required for giving effect to those provisions, to be treated as a reference to the transferee.

3.—(1) This paragraph applies where—

- (a) a function (“the old function”) was conferred on the CCW by Part 7 of the 1990 Act or any other provision which is repealed by this Order;
- (b) an equivalent function (“the new function”) is conferred on the Body by any provision of the Establishment Order (as amended by this Order).

(2) Anything (including, without limitation, legal proceedings) which, at the transfer date, is in the process of being done in relation to the old function may be continued in relation to the new function.

(3) Anything done in relation to the old function is, so far as is required for continuing its effect on and after the transfer date, to have effect as if done in relation to the new function.

(4) Any reference to the CCW (and any reference which is to be read as a reference to the CCW) in any document relating to the old function is, so far as is required for giving effect to this paragraph, to be treated as a reference to the Body.

4. The provisions of this Part—

- (a) are without prejudice to any provision made by this Order in relation to any particular functions;
- (b) are not to be treated as continuing in force any contract of employment made by a transferor.

PART 2

Directions

General directions

5.—(1) A direction which was given under section 3(1) of the National Parks and Access to the Countryside Act 1949⁽¹⁾ or section 131(4) of the 1990 Act before the transfer date is to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(2) A direction which was given for the purposes of section 1(4) of the Forestry Act 1967⁽²⁾ before the transfer date is, to the extent that it applies in relation to a function that becomes exercisable by the Body by virtue of any provision made by this Order, to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(3) A direction which was given under section 40(1) of the 1995 Act before the transfer date is, to the extent that it applies in relation to a transferred function, to be treated on and after the transfer date as a direction given to the Body under article 11(1) of the Establishment Order.

(4) A direction which was given under section 40(2) of the 1995 Act before the transfer date is, to the extent that it applies in relation to Wales, to be treated on and after the transfer date as a direction given to the Body under article 11(3) of the Establishment Order (as substituted by this Order), but this is subject to any provision made by this Part in relation to particular directions.

The River Basin Districts Surface Water and Groundwater Classification (Water Framework Directive) (England and Wales) Direction 2009

6.—(1) The River Basin Districts Surface Water and Groundwater Classification (Water Framework Directive) (England and Wales) Direction 2009 is to be treated on and after the transfer date as a direction given to the appropriate agency—

- (a) under article 11(3) of the Establishment Order (as substituted by this Order) in so far as the direction applies where the appropriate agency is the Natural Resources Body for Wales;
- (b) under section 40(2) of the 1995 Act in so far as the direction applies where the appropriate agency is the Environment Agency;

(1) 1949 c. 97.
(2) 1967 c. 10.

- (c) under article 11(3) of the Establishment Order (1)(as substituted by this Order) and under section 40(2) of the 1995 Act in so far as the direction applies where the appropriate agency is the Natural Resources Body for Wales and the Environment Agency acting jointly.

(2) In this paragraph “appropriate agency” (“*asiantaeth briodol*”) has the same meaning as in regulation 2(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 as amended by this Order.

The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010

7.—(1) The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010 are to be treated on and after the transfer date as directions given to the appropriate agency—

- (a) under articles 11(3) and 11A(3) of the Establishment Order (as substituted by this Order) in so far as the directions apply where the appropriate agency is the Natural Resources Body for Wales;
- (b) under sections 40(2) and 122(2) of the 1995 Act in so far as the directions apply where the appropriate agency is the Environment Agency; and
- (c) under articles 11(3) and 11A(3) of the Establishment Order (as substituted by this Order) and under sections 40(2) and 122(2) of the 1995 Act in so far as the directions apply where the appropriate agency is the Natural Resources Body for Wales and the Environment Agency acting jointly.

(2) In this paragraph, “appropriate agency” (“*asiantaeth briodol*”) has the same meaning as in regulation 2(1) of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 as amended by this Order.

(1) S.I. 2003/3242 as amended by S.I. 2005/2035, S.I. 2007/3538, S.I. 2008/1097 (partly as from 14/05/08, fully as from 24/03/15), S.I. 2010/630 (C. 42), S.I. 2011/556 (C. 19).

PART 3

Provisions relating to amendments of specific enactments

Environmental Protection Act 1990

8. Notwithstanding the repeal by this Order of Schedules 8 and 9 to the 1990 Act, the amendments made by those Schedules to other Acts continue to have effect to the extent that they had effect immediately before the coming into force of this Order, subject to any amendments to those other Acts made by this Order.

Control of Major Accident Hazards Regulations 1999

9.—(1) This paragraph applies for the purposes of regulation 7(11) of the Control of Major Accident Hazards Regulations 1999(1).

(2) Where—

- (a) a safety report is sent to the competent authority in relation to an establishment in Wales;
- (b) that safety report includes information by reference to information contained in another report or notification sent to the Environment Agency pursuant to a requirement imposed by or under any enactment; and
- (c) the other report or notification was sent to the Environment Agency before the transfer date;

then the report or notification sent to the Environment Agency is deemed to have been sent to the appropriate agency..

(3) In this paragraph, “appropriate agency” (*“asiantaeth briodol”*), “establishment” (*“sefydliad”*) and “safety report” (*“adroddiad diogelwch”*) have the same meaning given by regulation 2(1) of the Control of Major Accident Hazards Regulations 1999 as amended by this Order.

Forest Reproductive Material (Great Britain) Regulations 2002

10.—(1) A person who is an authorised officer for the purposes of the Forest Reproductive Material (Great Britain) Regulations 2002(2) immediately before the transfer date is thereafter deemed to be an

(1) S.I. 1999/743 as amended by S.I. 2002/2469, S.I. 2005/1088, S.I. 2008/960, S.I. 2008/1087, S.I. 2009/1595.
(2) S.I. 2002/3026 as amended by S.I. 2006/2530.

authorised officer by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

11. Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

Plant Health (Forestry) Order 2005

12.—(1) A person who is an inspector for the purposes of the Plant Health (Forestry) Order 2005(1) immediately before the transfer date is thereafter deemed to be an inspector by virtue of being authorised by both the Commissioners and by the Welsh Ministers.

(2) Sub-paragraph (1) does not affect the powers of the Commissioners and the Welsh Ministers to revoke, on or after the transfer date, any authorisation of a person or to subsequently renew that authorisation.

Environmental Civil Sanctions (Wales) Order 2010

13.—(1) In this paragraph—

“the 2008 Act” (“*Deddf 2008*”) means the Regulatory Enforcement and Sanctions Act 2008;

“the 2010 Order” (“*Gorchymyn 2010*”) means the Environmental Civil Sanctions (Wales) Order 2010(2) as amended by this Order.

(2) Section 67 of the 2008 Act applies to the 2010 Order as if—

- (a) in subsection (2) there were substituted, for the period of three years, a period of one year; and
- (b) any provision of the 2010 Order conferring power on a regulator to impose a civil sanction in relation to an offence—
 - (i) had been made under or by virtue of Part 3 of the 2008 Act; and
 - (ii) had come into force on the transfer date.

PART 4

Provisions relating to abolition of CCW

Interpretation

14. In this Part, “the relevant period” (“*y cyfnod perthnasol*”) means the period commencing on 1 April 2012 and ending on 31 March 2013.

(1) S.I. 2005/2517 as amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/3020.

(2) S.I. 2010/1821 (W. 178).

Final statement of accounts in relation to CCW

15.—(1) The Body must prepare a statement of accounts in relation to the CCW for the relevant period.

(2) The Body must submit the statement of accounts to the Welsh Ministers in such form and at such time as they may direct.

(3) The Welsh Ministers must send a copy of the statement of accounts to the Auditor General for Wales on or before 31 August 2013.

(4) The Auditor General for Wales must—

- (a) examine, certify and report on the statement of accounts;
- (b) provide a copy of the certified statement of accounts together with his or her report on it to the Body; and
- (c) no later than 4 months after the statement of accounts is submitted, lay before the National Assembly for Wales a copy of the certified statement of accounts and report.

Final report in relation to CCW

16.—(1) The Body must prepare for the Welsh Ministers a report on the exercise and performance of the functions of the CCW during the relevant period.

(2) The Body must submit the report to the Welsh Ministers as soon as possible after 31 March 2013.

(3) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales.