

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

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2012 No. (W.)

PUBLIC BODIES

ENVIRONMENT

The Natural Resources Body for
Wales (Functions) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

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2012 No. (W.)

PUBLIC BODIES

ENVIRONMENT

**The Natural Resources Body for
Wales (Functions) Order 2012**

Made ***

Coming into force ***

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.

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

(1) 2011 c. 24.

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” (“*Gorchymyn Sefydli*”) 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 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, to the extent that it applies 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, to the extent that it applies 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);
- (b) Schedules 6, 8 and 9 to the 1990 Act(2);
- (c) Part 1 of the National Parks and Access to the Countryside Act 1949(3).

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(4);
- (b) section 13(5);
- (c) Schedule 3;
- (d) paragraph 3 of Schedule 23.

Transitional provisions and savings

10. Schedule 7 contains transitional provisions and savings.

Name

Title of Minister, one of the Welsh Ministers

Date

-
- (1) 1990 c. 43. Section 130 was amended by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 15, paragraph 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.
 - (2) 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.
 - (3) 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.
 - (4) 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).
 - (5) 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;

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

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) Section 7(1) of the Environment Act 1995(2) makes provision about nature conservation duties applicable to proposals relating to the Body’s functions.

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

Access and recreation duties

5B. The Body may take such steps as it considers appropriate to promote and facilitate public access to, and enjoyment of, the countryside and open spaces in Wales.

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

- (a) the enjoyment of the countryside and open spaces;
- (b) open-air recreation; and

(1) 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).

(2) 1995 c. 25. Schedule 2 to this Order makes amendments to section 7(1).

(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 powers, within the meaning of section 5 of the Environment Act 1995⁽¹⁾;

(b) applies to any other function only to the extent that it is consistent with—

(i) any other duty imposed on the Body by an enactment,

(ii) the purposes of the enactment conferring the function,

(iii) guidance given by the Welsh Ministers under article 5.

(3) Section 7(2) to (5) of the Environment Act 1995 makes further provision about the Body's duties relating to public access to places of natural beauty, facilities for visiting sites of interest, and making water and associated land available for recreation.

(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.

5D.—(1) The Body may provide, or arrange or assist in the provision of, facilities falling within 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 facilities referred to in paragraph (1) are—

(a) facilities for—

(i) tourism and the enjoyment of the countryside and open spaces;

(ii) recreation and sport;

(iii) the study, understanding and enjoyment of the natural environment;

(1) 1995 c. 25. The definition of pollution control powers 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) 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.

(b) any equipment, facilities or works ancillary to facilities falling within subparagraph (a).

(3) The facilities which fall within paragraph (2) include, without limitation—

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

(4) In this article, “provide” includes manage, maintain and improve.

5E. 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 articles 5C and 5D.

5F. 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 articles 5C or 5D, and
- (b) in relation to any matter described in section 41(3) of the Countryside Act 1968⁽²⁾.”

5. Articles 6 and 7 are revoked.

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—

(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.

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

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

7. After article 8 insert—

“Consultation and cooperation with the Environment Agency

8A.—(1) The Body must consult the Environment Agency before exercising any function which is likely to have a significant effect in England or any part of England on any matter in respect of which the Agency exercises functions.

(2) Paragraph (1) does not apply in cases of emergency.

(3) 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”.

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, enter into 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—

(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.

“(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).

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” 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) undertake 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” means research and related activities carried out pursuant to paragraph (1);
- (b) “related activities” 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.

⁽¹⁾ 2006 c. 16.

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.

(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 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 by virtue of article 5D.

(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 15 insert—

“PART 4 – INFORMATION ABOUT PERMITTING DECISIONS

Interpretation

16. In this Part—

- (a) “permit” means any registration, exemption, approval, permission, licence, consent, assent or other authorisation, however described;
- (b) “permitting decision” means any decision to—
 - (i) grant or refuse an application for a permit;
 - (ii) suspend, vary or revoke a permit.

Information publication schemes

17.—(1) The Body must—

- (a) develop, adopt and maintain a scheme in relation to the publication of information about permitting decisions

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

- made by the Body (in this article referred to as a “publication scheme”);
- (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;
 - (b) specify the manner in 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;
 - (d) include provision for the publication of information about all applications for permits made by the Body in cases where the Body is responsible for determining the application.
- (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 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.

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.”

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

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

(3) 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.”

(4) Paragraphs 3 and 4 are revoked.

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

ACTS OF PARLIAMENT

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. For any reference to the Environment Agency, other than in section 4(1C), substitute a reference to the appropriate agency.

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

(2) In subsection (1C)—

- (a) after “coast protection work” insert “in England”;
- (b) for “strategies under sections 7 and 8” substitute “strategy under section 7”.

(3) After subsection (1C), insert—

“(1D) The Natural Resources Body for Wales may carry out coast protection work in Wales if it thinks the work is desirable having regard to the national flood and coastal erosion risk management strategy under section 8 of the Flood and Water Management Act 2010.”

5. In section 5(5A), for “the Agency” substitute “that agency”.

6. In section 49, in the appropriate place, insert—

““the appropriate agency” means—

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

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

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

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

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

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

11. 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;”.

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

The Opencast Coal Act 1958 (c. 59)

13.—(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)

14.—(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)

15. The Harbours Act 1964 is amended as follows.

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

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

Nuclear Installations Act 1965 (c. 57)

18.—(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)

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

Forestry Act 1967 (c. 10)

20. The Forestry Act 1967 is amended as follows.

21. After section 1(1) insert—

“(1A) A reference to the Commissioners in this Act is, in relation to Wales, to be read as a reference to the Natural Resources Body for Wales and the powers and duties conferred or imposed by this Act are to be exercisable by the Commissioners or by the Natural Resources Body for Wales accordingly.

(1B) But subsection (1A) does not apply to the following provisions of this Act—

- (a) 1(2A)
- (b) 1(4)
- (c) 2
- (d) 6
- (e) 7
- (f) 7A
- (g) 12(1A)
- (h) 17A(1B)
- (i) 37(1) in relation to the Home Grown Timber Advisory Committee
- (j) 37(2)
- (k) 38(1)
- (l) 38(2)
- (m) 38(4) in relation to the Home Grown Timber Advisory Committee
- (n) 46(1A)
- (o) 47
- (p) 48(1A)
- (q) 48(1B)
- (r) 49
- (s) Schedule 1
- (t) Paragraphs 3, 4 and 5 of Schedule 6
- (u) Schedule 7.”

22. In section 1(4), omit “and Wales”.

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

(2) After subsection(1), insert—

“(1A) For the purposes of this section except subsection (3A), references to the Commissioners are to be read as references to the Natural Resources Body for Wales where the relevant wood or forest is in Wales.”

(3) After subsection (3), insert—

(3A) For the purposes of subsection (2) above, “land”—

- (a) includes land in Wales where the functions conferred by subsection (2) are exercised by the Commissioners;

- (b) includes land in England where the functions conferred by subsection (2) are exercised by the Natural Resources Body for Wales.”

24.—(1) Section 7 is amended as follows.

(2) After subsection (1), insert—

“(1A) For the purposes of this section except subsection (5)(c), references to the Commissioners are to be read as references to the Natural Resources Body for Wales where the relevant trees or tree plants are in Wales.”

(3) In subsection (5)(b), for “.” substitute “; and”.

(4) after subsection (5)(b), insert—

“(c) “land”—

- (i) includes land in Wales where the functions conferred by this section are exercised by the Commissioners in relation to trees or tree plants in England; and
- (ii) includes land in England where the functions conferred by this section are exercised by the Natural Resources Body for Wales in relation to trees or tree plants in Wales.”

25. In section 9(5), for “the Commissioners” substitute “the appropriate legislative authority”.

26. After section 12(1), insert—

“(1A) For the purposes of subsection (1) above, “land”—

- (a) includes land in Wales where conditions are attached to a felling licence by the Commissioners;
- (b) includes land in England where conditions are attached to a felling licence by the Natural Resources Body for Wales.”

27. After section 17A(1A), insert—

“(1B) For the purposes of subsection (1A) above, “such other land”—

- (a) includes land in Wales where a restocking notice is served by the Commissioners;
- (b) includes land in England where a restocking notice is served by the Natural Resources Body for Wales.”

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

29. In section 27(1), after “Forestry Commissioner” insert “, member of the Natural Resources Body for Wales”

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

(2) In subsection (1), for “The Commissioners may, subject to their duty of consultation under section 37(2) below”, substitute “The appropriate legislative authority may, subject to the duty of consultation under section 37(2) below, where that duty applies to the authority,”.

(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 made under this Part of this Act and making provision only as regards Wales—

- (a) if the regulations are made 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; and
- (b) in a case not falling within the foregoing paragraph, is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

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

(2) In the appropriate place, insert the following definition:

““the appropriate legislative authority” means—

- (a) in relation to England and Scotland, the Commissioners;
- (b) in relation to Wales, the Welsh Ministers;”.

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

32. In section 37(1)(a), for “the central advisory committee for Great Britain” substitute “in relation to England and Wales, the central advisory committee”.

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

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

(3) In subsection (2)—

- (a) for “them” substitute “it”; and

(b) for “the Commissioners”, in both places where it occurs, substitute “the appropriate legislative 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 shall be laid before the National Assembly for Wales.”

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

(7) After subsection (5), insert—

“(5A) In this section “the appropriate legislative authority” means—

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

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

34. After section 48(1), insert—

“(1A) So far as may be expedient for the performance of any of the functions of the Commissioners under this Act or the Plant Health Act 1967, the Commissioners may exercise the functions conferred by subsections (1) and (2) of this section on and in relation to land in Wales.

(1B) So far as may be expedient for the performance of any of the functions of the Natural Resources Body for Wales under this Act or the Plant Health Act 1967, the Natural Resources Body for Wales may exercise the functions conferred by subsections (1) and (2) of this section on and in relation to land in England.”

(1) In paragraph 4(2) of Schedule 6 for “as continuing after that commencement to be so placed” substitute “as being placed with the Commissioners or with the Natural Resources Body for Wales”.

Parliamentary Commissioner Act 1967 (c. 13)

35.—(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)

36.—(1) The Agriculture Act 1967 is amended as follows.

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

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

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

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

41. 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)

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

(2) In subsection (1), in the first paragraph, for “within any waters which, are included in the area which by virtue of subsection (7) of section 6 of the Environment Act 1995 is the area in relation to which the Environment Agency carries out functions relating to fisheries under the Salmon and Freshwater Fisheries Act 1975”, substitute “within 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 the Environment Act 1995, 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)

43. The Countryside Act 1968 is amended as follows.

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

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

46. Omit section 1.

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

48. In section 8(4), after “the Environment Agency”, 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, of such”.

49. 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”.

50. 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,”.

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

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

(2) In subsection (1)—

- (a) for “the said Commissioners” substitute “the appropriate authority”;
- (b) for “the Commissioners” substitute “the appropriate authority’s”; and
- (c) for “their”, in each place where it occurs, substitute “its”.

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

(4) After subsection (5), insert—

(6) In this section, “the appropriate 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.”

53.—(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”.

54. Omit section 46(2).

Conservation of Seals Act 1970 (c. 30)

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

56.—(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 subsection (5).

(5) After subsection (6), insert—

“(7) In this section “the appropriate licensing authority” means the Marine Management Organisation or the Natural Resources Body for Wales, according as the area in question is in or is in waters adjacent to England or Wales.”

57. In section 13, after “the Secretary of State” add “, and the Natural Resources Body for Wales”.

Local Government Act 1974 (c. 7)

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

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

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

60.—(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”.

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

Control of Pollution Act 1974 (c. 40)

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

63. 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”.

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

Reservoirs Act 1975 (c. 23)

65. The Reservoirs Act 1975 is amended as follows.

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

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

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

(2) In subsection (4)(a)—

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

(b) after “that Agency” insert “or the Natural Resources Body for Wales in relation to Wales”.

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

69.—(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”.

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

(2) In subsection (2)(b), after the “Environment Agency” insert “or the NRBW”.

(3) In subsection (2)(c), for “that Agency” substitute “the appropriate agency”.

71. In section 22A, after the “Environment Agency”, in both places where it occurs, insert “and the NRBW”.

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

(2) In the appropriate places, insert on a new line—

- (a) in column 1, “Appropriate Agency” and in column 2, “Section 1(7)”;
- (b) in column 1, “Area (in relation to the NRBW)” and in column 2, “Section 1(4C)”.

House of Commons Disqualification Act 1975 (c. 24)

73.—(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)

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

75.—(1) Save as provided in sub-paragraph (2), for any reference to the Agency substitute a reference to the appropriate agency.

(2) Sub-paragraph (1) does not apply to sections 37A(5), 39 or 41.

76. 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.”

77. In section 40, for “the Agency”, substitute “the Environment Agency, in relation to England, or the Natural Resources Body for Wales, in relation to Wales”.

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

(2) In the appropriate place insert—

““the appropriate agency” means—

(a) except as provided in paragraph (b), the Agency; and

(b) in relation to Wales and any waters adjoining the coast of Wales to a distance of six nautical miles measured from the baselines from which the breadth of the territorial sea is measured, the Natural Resources Body for Wales;”.

(3) In the definition of “authorised officer”, for “the Agency” substitute “the appropriate agency”.

(4) In the appropriate place 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;”.

(5) In the definition of “unclean”, after “spawning” insert—

“;

“Wales” has the meaning given by section 158(1) and (3) of the Government of Wales Act 2006;”.

79. In section 41(3), for “Agency” substitute “appropriate agency”.

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

80. In section 44(1B) of the Local Government (Miscellaneous Provisions) Act 1976, after “the Environment Agency” omit “were a local authority”

and insert “and the Natural Resources Body for Wales were local authorities”.

Rent (Agriculture) Act 1976 (c. 80)

81. In section 30 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”.

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

82. 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)

83. 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)

84. The Highways Act 1980 is amended as follows.

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

86.—(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).

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

88.—(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 body”.

89.—(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 body”.

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

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

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

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

Wildlife and Countryside Act 1981 (c. 69)

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

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

(2) After subsection (8B) insert—

“(8C) In this section, in the case of a licence issued 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)—

- (a) for “subsection (8A)” substitute “subsections (8A) and (8C)”;
- (b) after “the appropriate authority” insert “in relation to England”.

94. 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.”

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

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

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

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

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

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

99. In section 36(7), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

100.—(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)(b), after “wetland;” insert “and”.

(4) Omit subsection (2)(c).

(5) 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.”

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

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

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

103. In section 47, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

104.—(1) Section 49 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 (4) for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

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

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

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

Animal Health Act 1981 (c. 22)

108. In section 21(9) of the Animal Health Act 1981, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Road Traffic Regulation Act 1984 (c. 27)

109. In section 22 of the Road Traffic Regulation Act 1984, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

Inheritance Tax Act 1984 (c. 51)

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

Agriculture Act 1986 (c. 49)

111. 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)

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

113. In section 5C(2), after sub-paragraph (a) insert—

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

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

(a) in sub-paragraph (a) omit “and Wales”;

(b) after that sub-paragraph insert—

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

(c) for “a reference to any area in England and Wales or, as the case may be, in Scotland” substitute “a reference to any area in England, Wales or Scotland as the case may be”.

Water Act 1989 (c. 15)

115. The Water Act 1989 is amended as follows.

116.—(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 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”.

117.—(1) Paragraph 1 of Schedule 25 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”.

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

Electricity Act 1989 (c. 29)

118. The Electricity Act 1989 is amended as follows.

119.—(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 Resource Body for Wales;”.

120. In schedule 9, 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)

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

122.—(1) Section 200 is amended as follows.

(2) In subsection (1)(a), after “Commissioners” insert “or the Natural Resources Body for Wales”.

(3) In subsection (2), after “Forestry Commissioners”, insert “or the Natural Resources Body for Wales”.

123. In section 204, for “the Forestry Commissioners”, in both places where it occurs, substitute “the Natural Resources Body for Wales”..

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

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

126. 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”.

127.—(1) 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)

128. 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)

129. 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)

130. The 1990 Act is amended as follows.

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

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

(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”.

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

133.—(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), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

134. In section 33C (10), after paragraph (a) 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;”.

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

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

(2) In paragraph (a), after “Environment Agency” omit “or”.

(3) After paragraph (a) insert—

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

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

138. In section 73A after sub-section (1) insert—

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

139. In section 78A(9), for the definition of “the appropriate Agency” substitute—

““the appropriate Agency” means—

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

(b) in relation to Scotland, the Scottish Environment Protection Agency;

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

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

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

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

141. 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)

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

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

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

Deer Act 1991 (c. 54)

145. 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)

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

147.—(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,”.

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

149.—(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”.

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

“(da) on the NRBW;”.

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

“(iia) the NRBW;”.

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

(2) In subsection (8), after paragraph (a), insert—

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

(3) For subsection (9) substitute—

“(9) The Secretary of State shall consult—

(a) the Environment Agency, and

(b) the NRBW, if the revised plan might affect water resources in Wales,

before giving a direction under subsection (6)(b) above.”

(4) After subsection (9) insert—

“(9A) The Welsh Ministers shall consult—

(a) the NRBW, and

(b) the Environment Agency, if the revised plan might affect water resources in England,

before giving a direction under subsection (6)(b) above.”

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

(2) In subsection (7), after paragraph (a), insert—

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

(3) For subsection (11) substitute—

“(11) The Secretary of State shall consult—

(a) the Environment Agency, and

(b) the NRBW, if the revised plan might affect water resources in Wales,

before giving a direction under subsection (6)(b) above.”

(4) After subsection (11), insert—

“(11A) The Welsh Ministers shall consult—

(a) the NRBW, and

(b) the Environment Agency, if the revised plan might affect water resources in England,

before giving a direction under subsection (6)(b) above.”

154. For section 40(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 might affect water resources in England;

- (b) the NRBW, if the order applies to a supply of water that might affect water resources in Wales.”

155. For section 40A(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 might affect water resources in England;
- (b) the NRBW, if the order applies to a bulk supply agreement that might affect water resources in Wales”.

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

(2) In subsection (2), for “the Secretary of State (subject to subsections (3) and (4) below) and the Environment 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 might affect water resources in England;
- (c) the NRBW, if the determination is in relation to a supply of water that might affect water resources in Wales.”

157.—(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 a supply of water that might affect water resources in England”.

(3) After paragraph (c), insert—

“(ca) the NRBW, if the request or proposed determination relates to a supply of water that might affect water resources in Wales;”.

158.—(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 a supply of water that might affect water resources in England”.

(3) After paragraph (c), insert—

“(ca) the NRBW, if the request or proposed determination relates to a supply of water

that might affect water resources in Wales;”

159.—(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 NRBW, in relation to a well, borehole or other work in Wales.”

160.—(1) Section 101A(5) is amended as follows.

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

(3) After paragraph (a), insert—

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

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

(5) 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 NRBW, in relation to disputes between sewerage undertakers and owners or occupiers of premises in Wales.”

161. For section 110A(6), substitute—

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

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

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

(2) For any reference to the Environment Agency (however framed), substitute a reference to the appropriate agency.

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

““appropriate agency” means—

- (a) the Environment Agency, in relation to discharges or proposed discharges of special category effluent from trade premises in England;
- (b) the NRBW, in relation to discharges or proposed discharges of special category effluent from trade premises in Wales;”.

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

165.—(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, or the NRBW, where the proposed works will affect any watercourse in Wales,”.

166.—(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.”

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

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

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

170.—(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 , or the Natural Resources Body for Wales (Functions) Order 2012”.

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

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

172. 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”.

173.—(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 “the NRBW,”.

(5) In subsection (7), after “the Environment Agency”, in each place where it occurs, insert “or the NRBW”.

174.—(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 “or the NRBW”.

(4) In the appropriate place, insert—

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

175. In section 221(2), after “Environment Agency,” insert “the NRBW,”.

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

“(ca) the NRBW;”.

177. In paragraph 1(3) of Schedule 11—

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

(b) after paragraph (a), insert—

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

178.—(1) Paragraph 1 of Schedule 13 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), after “the Environment Agency,” insert “the NRBW,”.

Water Resources Act 1991 (c. 57)

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

180.—(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, 156, 157(6) and (7), 158(1), 166(3), 169 to 172, 174, 184, 188, 204, 208, 221, 222, 225, Schedule 8, Schedule 20 and paragraph 7(b) of Schedule 26.

181.—(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 , 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”.

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

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

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

185.—(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”.

(3) In subsection (5), for paragraph (a) substitute—

“(a) the requirements, in relation to both those waters and other inland waters whose flow may be affected by changes in the flow of those waters, of existing lawful uses of those waters, whether for agriculture, industry, water supply or other purposes;”.

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

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

(2) For “Agency” substitute “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”.

187.—(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 “with respect to the Agency,”;

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

(4) After paragraph (b) insert—

“(c) with respect to 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.”

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

(2) In subsection (1) omit “and Wales”.

(3) After subsection (1) insert—

“(1A) The NRBW may be authorised by the Welsh Ministers to purchase compulsorily any land anywhere in Wales which is required by the NRBW for the purposes of, or in connection with, the carrying out of its relevant transferred functions.”

(4) In subsection (2)—

- (a) after “under subsection (1)” insert “, and of the Welsh Ministers under subsection (1A),”;
- (b) after “Agency”, in the first place where it occurs, insert “or, as the case may be, by the NRBW,”;
- (c) after “Agency”, in the second place where it occurs, insert “or the NRBW”.

(5) In subsections (3) and (4), after “Agency”, in each place where it occurs, insert “or the NRBW”.

(6) In subsections (3) to (5), for “subsection (1)”, in each place where it occurs, substitute “subsections (1) or (1A)”.

(7) In subsection (6)—

- (a) after “(including section 37 of the 1995 Act (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)”;
- (b) after “on the Agency” insert “or the NRBW”;
- (c) in paragraph (a), after “Agency” insert “or, as the case may be, the NRBW”.

(8) After subsection (6) insert—

“(7) Subject to subsections (8) and (9), in subsection (1A) “relevant transferred functions” means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.

(8) For the purposes of subsection (7) an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(9) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

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

(2) In subsection (1), after “for the purpose of carrying out its functions” insert “or, as the case may be, its relevant transferred functions”.

(3) In subsection (7)—

- (a) at the end of the definition of “the relevant Minister” for “.” substitute “,,”;

- (b) after the definition of “the relevant Minister” insert—

““relevant transferred functions”, subject to subsections (8) and (9), means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.”

- (4) After subsection (7) insert—

“(8) For the purposes of the definition of “relevant transferred functions” an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(9) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

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

- (2) In subsection (1)—

- (a) after “Without prejudice to section 37 of the 1995 Act (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)”;
- (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 “Without prejudice to section 37 of the 1995 Act (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)”;
- (b) after “the Agency”, in the second place where it occurs, insert “or, as the case may be, the NRBW,”.

191. After section 157(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).

192.—(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),”.

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

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

193. After section 168(8) insert—

“(9) In this section—

- (a) in relation to the NRBW, references to functions have effect as references to relevant transferred functions;
- (b) “relevant transferred functions”, subject to subsections (10) and (11), means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.

(10) For the purposes of the definition of “relevant transferred functions” an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(11) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

194.—(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—

(a) “relevant byelaws” means byelaws made (or treated as if made) by the NRBW by or under any relevant transferred functions”;

(b) “relevant transferred functions”, subject to subsections (7) and (8), means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.

(7) For the purposes of subsection (7) an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(8) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

195.—(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”.

196.—(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)(a)(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.

(7) In subsection (6) “relevant transferred functions”, subject to subsections (8) and (9), means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.

(8) For the purposes of subsection (7) an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(9) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

197.—(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.

(6) In subsection (5) “relevant transferred functions”, subject to subsections (7) and (8), means any functions which were exercisable by the Agency prior to 1 April 2013 and which are functions of the NRBW by virtue of any provision of the Natural Resources Body for Wales (Functions) Order 2012.

(7) For the purposes of subsection (6) an Agency function is exercisable even if the enactment conferring it has not come into force prior to 1 April 2013.

(8) But a function is only a “relevant transferred function” when the enactment conferring the Agency function transferred to or conferred on the NRBW is commenced.”

198. In section 174, after “Agency”, in each place where it occurs, insert “or by the NRBW”.

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

200. For section 188 substitute—

“188 Duty of the Agency and of the NRBW to publish certain 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;
- (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;
- (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.”

201.—(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 , or the Natural Resources Body for Wales (Functions) Order 2012”.

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

“(ib) the NRBW;”.

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

(2) In the heading, after “Agency” insert “or the NRBW”.

(3) 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,”.

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

- (5) In subsection (4)—
 - (a) after “Agency” insert “or the NRBW”;
 - (b) after “Agency’s” insert “or the NRBW’s”.

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

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

- (6) After the definition of “notice” insert—

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

- (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.”

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

- (2) In subsection (2), after “Agency” insert “or the NRBW”;

- (3) In subsection (8)—

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

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

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

206.—(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 “1995 Act” insert “as modified by subsection (4) of that section”;

- (b) after “Agency” insert “or in connection with relevant environmental functions of or in relation to the NRBW”.

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

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

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

208. 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”.

Land Drainage Act 1991 (c. 59)

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

210. For “Agency”, in each place where it occurs, other than in sections 14A, 23 and in the definition of “the Agency” in section 72(1), substitute “appropriate agency”.

211. In section 14A(8), for “ Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

212. In section 23(1B) and (1C), for “ Environment Agency”, in each place where it occurs, substitute “appropriate agency”.

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

214. In section 61E(4)(b) omit “the Countryside Council for Wales”.

215. In section 72(1)—

- (a) omit the definition of “the Agency”;
- (b) in the appropriate place insert—
 - ““appropriate agency” means—
 - (a) in relation to England, the Environment Agency;
 - (b) in relation to Wales, the Natural Resources Body for Wales;”.

Transport and Works Act 1992 (c. 42)

216. 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)

217. 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)

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

219.—(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.”

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

221. In section 40, after “Part—” 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)

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

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

224. 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.

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

Environment Act 1995 (c. 25)

226. The 1995 Act is amended as follows.

227.—(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”, in each place where it occurs, substitute “the Secretary of State”.

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

(2) 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”**

229.—(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”.

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

(2) In subsection (1), for any reference to the Agency substitute a reference to 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, 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.”

231.—(1) Section 7 is amended as follows.

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

(3) For any reference to the Agency, other than in subsection (1)(a)(iii), substitute a reference to the appropriate agency.

(4) In subsection (1)(a)—

(a) after “pollution control functions” insert “(or, in the case of the Natural Resources Body for Wales, its functions under the Forestry Acts 1967 to 1979)”;

(b) after paragraph (iii), insert—

“(iiia) in the case of the Natural Resources Body for Wales, with any guidance issued under article 5 of the Natural Resources Body for Wales (Establishment) Order 2012;”.

232.—(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”.

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

(2) In subsection (1), for “Each of the Ministers” substitute “The appropriate national authority”.

(3) In subsections (1) and (2), for “Agency”, in each place where it occurs, substitute “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)”.

234. After section 9 insert—

“Consultation and cooperation with the Natural Resources Body for Wales

9A.—(1) The Agency must consult the Natural Resources Body for Wales before exercising any function which is likely to have a significant effect in Wales or any part of Wales.

(2) Subsection (1) does not apply in cases of emergency.

(3) The Agency must cooperate and coordinate with the Natural Resources Body for Wales as may be appropriate in the circumstances.

(4) In this section, “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006.”

235.—(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, in relation to the Natural Resources Body for Wales; and”;

(c) after “described in paragraphs (a)” insert “, (aa)”.

236. In the heading to Chapter 3 of Part 1, after “the New Agencies” insert “and the Natural Resources Body for Wales”.

237.—(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.”

238. 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.”

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

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

“(c) in the case of licences 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, references to the Secretary of State have effect as references to the Welsh Ministers.

(13) In relation to a charging scheme proposed by the Natural Resources Body for Wales—

- (a) 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; and

- (b) subsection (7) does not apply.”

240.—(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;

- (a) 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” mean—

- (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.”

241.—(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”.

242. In section 66(7)(a), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

243. In section 72(2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

244.—(1) Section 81(2) is amended as follows.

(2) In paragraph (a) omit “or”.

(3) After paragraph (a) 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;”.

245.—(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”.

246.—(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) for the definition of “new Agency” substitute—

““new Agency” means the Agency, SEPA or the Natural Resources Body for Wales;”.

247.—(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 sub-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”.

248. In section 111(5), in the definition of “environmental licence”, after “the Agency” insert “, the Natural Resources Body for Wales”.

249.—(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—

“(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”.

250. In section 115(3), after “the Agency” insert “, the Natural Resources Body for Wales”.

251.—(1) Schedule 7 is amended as follows.

(2) In paragraph 4, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(3) In paragraph 14, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

252. 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)

253. The Finance Act 1996 is amended as follows.

254. 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;”.

255. 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)

256. The Government of Wales Act 1998 is amended as follows.

257. In Part 3 of Schedule 4, omit paragraph 15.

258. In Schedule 7, omit paragraphs 1 and 2.

Pollution Prevention and Control Act 1999 (c. 24)

259. The Pollution Prevention and Control Act 1999 is amended as follows.

260.—(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;”.

261. In section 3(4)(a), after “Environment Agency” insert “, Natural Resources Body for Wales”.

Care Standards Act 2000 (c. 14)

262. 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)

263. 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)

264.—(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)

265. The Countryside and Rights of Way Act 2000 is amended as follows.

266. In Parts 1 and 2, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

267.—(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.”.

268.—(1) Section 33(2) is amended as follows.

(2) In paragraph (a), for “, and” substitute “.”.

(3) Omit paragraph (b).

269. In section 82(2), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

270. In Part 4, other than in section 92(1), for “the Council”, in each place where it occurs, substitute “the NRBW”.

271. In sections 83(3) and 84(1)(a), for “Council” substitute “the NRBW”.

272.—(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;”

273.—(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”.

274. In Schedule 6, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

275. In Schedule 13, in paragraph 6(2), for “the Council” substitute “the NRBW”.

Waste and Emissions Trading Act 2003 (c. 33)

276. 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)

277. The Water Act 2003 is amended as follows.

278. 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.

279.—(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’,”.

280.—(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.”.

281. 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)

282. The Energy Act 2004 is amended as follows.

283. In section 14(3)(g), after “the Environment Agency” insert “, the Natural Resources Body for Wales”.

284.—(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;”.

285.—(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)

286. 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)

287. 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)

288. The Natural Environment and Rural Communities Act 2006 is amended as follows.

289. In sections 32(1)(b) and 42(2) and (4), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Commons Act 2006 (c. 26)

290. 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)

291. 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)

292. The Government of Wales Act 2006 is amended as follows.

293.—(1) Section 148(2) is amended as follows.

(2) Omit paragraph (b).

(3) After paragraph (k) insert—

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

294. 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)

295.—(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)

296. The Marine and Coastal Access Act 2009 is amended as follows.

297. Section 16(1) is amended as follows.

(1) At the end of paragraph (e), for “.” substitute “;”.

(2) After paragraph (e) insert—

“(f) the Natural Resources Body for Wales.
”

298. 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”.

299. 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.”.

300. 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.”.

301.—(1) Section 168(1) is amended as follows.

(2) At the end of paragraph (b), for “.” substitute “;”.

(3) After paragraph (b) insert—

“(c) the Natural Resources Body for Wales.
”

302.—(1) Section 232 is amended as follows.

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

(3) 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;”.

303. 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;”.

304. Omit section 313.

Flood and Water Management Act 2010 (c. 29)

305. The Flood and Water Management Act 2010 is amended as follows.

306.—(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 paragraph (a) substitute—

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

307. In section 13(8), after “the Environment Agency” insert “in relation to England and the Natural Resources Body for Wales in relation to Wales”.

308.—(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”.

309. In section 15(10)(b)(ii), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

310.—(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 in relation to England and the Natural Resources Body for Wales in relation to Wales shall each”.

311.—(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.”

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

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

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

313.—(1) Section 25 is amended as follows.

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

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

314. 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.”

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

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

(3) After subsection (10) insert—

“(10A) In this section “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.”

316.—(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.”

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

(2) In paragraph (a), after “Environment Agency” insert “in relation to England”.

(3) After paragraph (a) insert—

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

318.—(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 National Resources Body for Wales, if the drainage system directly or indirectly involves the discharge of water into a watercourse in Wales;”.

319.—(1) In Schedule 4, paragraph 36 is amended as follows.

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

(3) After “the Agency” insert “or the Body (as the case may be)”.

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.”

Forestry (Felling of Trees) Regulations 1979

5. The Forestry (Felling of Trees) Regulations 1979(3) are amended as follows.

6. In regulation 3, in the definition of “the conservator”, after “the Commissioners” insert “or the NRBW’s”.

7. In regulations 4, 6, 7, 8A, 9, 10, 12, 13 and 15, after “the Commissioners” insert “or the NRBW”.

8. In regulation 6 after “the Commissioners” insert “or the NRBW’s”.

9. In regulation 16 after “the Commissioners” insert “, the NRBW”.

10.—(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 “*”.

(1) S.I. 1965/1235.

(2) S.I. 1972/1966 as amended by S.I. 1975, S.I. 1938/58.

(3) S.I. 1979/791 as amended by S.I. 1987/632, S.I. 2003/2155.

(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

11.—(1) Regulation 4(5) of the Forestry (Exceptions from Restriction of Felling) Regulations 1979(1) is amended as follows.

(2) After “the Commissioners”, in the first place where it occurs, insert “or the NRBW”.

(3) After “the Commissioners”, in the second place where it occurs, insert “, the NRBW”.

(4) In sub-paragraph (a)(ii)—

(a) after “approved by the” omit “Forestry”;

(b) after “Commissioners” insert “or the NRBW”.

(5) In sub-paragraph (b) after “the Commissioners”, in both places where it occurs, insert “or the NRBW”.

Forestry Commission Byelaws 1982

12. In byelaw 2 of the Forestry Commission Byelaws 1982(2), for the definition of “the Commissioners” substitute—

““the Commissioners” means the Forestry Commissioners in relation to England and the NRBW in relation to Wales.”

(1) 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).

(2) S.I. 1982/648.

Drought Orders (Inquiries Procedure) Rules 1984

13.—(1) Rule 3 of the Drought Orders (Inquiries Procedure) Rules 1984(1) 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

14.—(1) Schedule 4 to the Control of Pesticides Regulations 1986(2) is amended as follows.

(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

15. The Sludge (Use in Agriculture) Regulations 1989(3) are amended as follows.

16. 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”.

17. In regulation 11(1), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Road Vehicles Lighting Regulations 1989

18.—(1) Regulation 3 of the Road Vehicles Lighting

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- (1) 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.
 - (2) S.I. 1986/1510 as amended by S.I. 1997/188, S.I. 2001/880, S.I. 2011/2131.
 - (3) 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).

Regulations 1989(1) 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

19. The General Drainage Charges (Forms) Regulations 1990(2) are amended as follows.

20. In regulations 2 and 3, after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

21. 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”.

Planning (Hazardous Substances) Regulations 1992

22.—(1) Regulation 10(1) of the Planning (Hazardous Substances) Regulations 1992(3) 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—

“(ee) the Natural Resources Body for Wales, where the land to which the application relates is in Wales;

(4) In sub-paragraph (1), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Town and Country Planning (Control of Advertisements) Regulations 1992

23. In regulation 2(1) of the Town and Country Planning (Control of Advertisements) Regulations

(1) 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.

(2) S.I. 1990/564 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).

(3) 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).

1992(1), in the definition of “statutory undertaker”, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

General Drainage Charges (Relevant Quotient) Regulations 1993

24.—(1) Regulation 3 of the General Drainage Charges (Relevant Quotient) Regulations 1993(2) 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 Management (Levies) (England and Wales) Regulations 2011”.

Drainage Rates (Forms) Regulations 1993

25. In the Schedule to the Drainage Rates (Forms) Regulations 1993(3), 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

26. In regulation 3 of the Surface Waters (River Ecosystem) (Classification) Regulations 1994(4), for “Environment Agency” substitute “appropriate agency”.

Urban Waste Water Treatment (England and Wales) Regulations 1994

27. The Urban Waste Water Treatment (England and Wales) Regulations 1994(5) are amended as follows.

28. For “Environment Agency”, in each place where it occurs, other than in regulations 6 and 8, substitute “appropriate agency”.

29.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “agglomeration” insert—
““the appropriate agency” means—

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- (1) 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.
- (2) S.I. 1993/165 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).
- (3) S.I. 1993/223.
- (4) S.I. 1994/1057 as amended by Environment Act 1995 (c. 25), section 120(1), Schedule 22, paragraph 233(1).
- (5) 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) 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.”

30.—(1) Regulation 6 is amended as follows.

(2) In paragraph (2)—

(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*,”.

31. 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

32. The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

33. 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”.

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

(2) In Part 14, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

(3) In Part 15, in paragraph A, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Landfill Tax Regulations 1996

35. After regulation 21(5)(a) of the Landfill Tax Regulations 1996(2), insert—

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

Welsh Language Schemes (Public Bodies) Order 1996

36. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 1996(3), omit the entries relating to the Countryside Council for Wales.

Control of Pollution (Applications, Appeals and Registers) Regulations 1996

37. The Control of Pollution (Applications, Appeals and Registers) Regulations 1996(1) are amended as follows.

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- (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. 1996/1527 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.
- (3) S.I. 1996/1898 as amended by S.I. 2004/1771, S.I. 2005/3225, S.I. 2007/2602.

38. For any reference to the Agency, other than in regulation 12(6), substitute a reference to the appropriate agency.

39.—(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”.

Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996

40. In the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996(2), 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

41.—(1) Article 2 of the Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Environment Agency) Approval Order 1996(3) is amended as follows.

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

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

Hedgerows Regulations 1997

42.—(1) Part 2 of Schedule 1 to the Hedgerows Regulations 1997(4) is amended as follows.

(2) In paragraph 6(1)(b), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(1) S.I. 1996/2971 as amended by S.I. 1999/1006, S.I. 2010/675.
(2) S.I. 1996/3001 as amended by S.I. 2000/3184, S.I. 2001/3911.
(3) S.I. 1996/3061.
(4) S.I. 1997/1160 as amended by S.I. 2003/2155, S.I. 2006/1177, S.I. 2009/1307.

Surface Waters (Fishlife) (Classification) Regulations 1997

43. In the Surface Waters (Fishlife) (Classification) Regulations 1997(1), for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

Surface Waters (Shellfish) (Classification) Regulations 1997

44. The Surface Waters (Shellfish) (Classification) Regulations 1997(2) are amended as follows.

45. For any reference to the Environment Agency, other than in regulation 6(3), substitute a reference to the appropriate authority.

46. 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(3).”

47. In regulation 6(3), after “Secretary of State” insert “, the Natural Resources Body for Wales”.

Surface Waters (Dangerous Substances) (Classification) Regulations 1997

48. In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1997(4), for “Environment Agency” and “Agency” substitute “appropriate agency”.

(1) S.I. 1997/1331 as amended by S.I. 2003/1053, S.I. 2009/1264.
(2) S.I. 1997/1332 as amended by S.I. 2009/1266.
(3) 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.
(4) S.I. 1997/2560.

Surface Waters (Dangerous Substances) (Classification) Regulations 1998

49. In regulation 4 of the Surface Waters (Dangerous Substances) (Classification) Regulations 1998(1), for “Environment Agency” and “Agency” substitute “appropriate agency”.

Mines (Notice of Abandonment) Regulations 1998

50. In regulation 2 of the Mines (Notice of Abandonment) Regulations 1998(2), after “Agency” insert “or the NRBW”.

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

51.—(1) Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(3) 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”.

Environment Impact Assessment (Fish Farming in Marine Waters) Regulations 1999

52. The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999(4) are amended as follows.

53.—(1) In regulation 2(1), the definition of “sensitive area” is amended as follows.

(1) S.I. 1998/389.
(2) S.I. 1998/892.
(3) 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.
(4) 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.

(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;”.

54. In Schedule 3, in paragraph 2(c), for “, the Countryside Council for Wales and the Environment Agency” substitute “and the Natural Resources Body for Wales”.

The Control of Major Accident Hazards Regulations 1999

55.—(1) The Control of Major Accident Hazards Regulations 1999(1) is amended as follows(2).

(2) In regulation 2(1), in the definition of “the Agency”—

(a) in sub-paragraph (a) omit “and Wales”;

(b) after sub-paragraph (a) insert—

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

Water Protection Zone (River Dee Catchment) (Designation) Order 1999

56. In article 3 of the Water Protection Zone (River Dee Catchment) (Designation) Order 1999(3), 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

57. The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999(4) are amended as follows.

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- (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) Schedule 7 contains transitional provisions relating to these Regulations.
- (3) S.I. 1999/915 as amended by S.I. 2010/675, S.I. 2007/3538.
- (4) S.I. 1999/916.

58. For any reference to the Agency substitute a reference to the appropriate agency.

59. In regulation 7(2)(c), omit “or, in Wales, the Countryside Council for Wales”.

Anti-Pollution Works Regulations 1999

60. In the Anti-Pollution Works Regulations 1999(1), 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

61. In the Schedule to the Welsh Language Schemes (Public Bodies) Order 1999(2), omit the entries relating to the Environment Agency.

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

62.—(1) Regulation 2(1) of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(3) 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”.

Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999

63.—(1) Regulation 2(1) of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999(4) 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”.

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- (1) S.I. 1999/1006 as amended by S.I. 2009/1307, S.I. 2009/3104.
- (2) S.I. 1999/1100.
- (3) 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.
- (4) S.I. 1999/1783 as amended by S.I. 2005/1399, S.I. 2006/618.

The Town and Country Planning (Trees) Regulations 1999

64. The Town and Country Planning (Trees) Regulations 1999(1) are amended as follows(2).

65. In regulation 10(1), for “the Forestry Commissioners”, in each place where it occurs, substitute “the Natural Resources Body for Wales”.

66. 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

67. The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(3) are amended as follows.

68. For “the Commissioners”, in each place where it occurs, other than regulations 2(1) and 25, substitute “the appropriate forestry authority”.

69.—(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 NRBW;”.

(3) For the definition of “countryside bodies” substitute—

““countryside bodies” means—

- (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;”.

(1) 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, S.I. 2012/792 (W. 107).

(2) Schedule 7 contains transitional provisions relating to these Regulations.

(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.

70. In regulation 25, in paragraphs (3)(b) and (5)(b), for “their” substitute “the appropriate forestry authority’s”.

71.—(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 NRBW”.

Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999

72.—(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 “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);”.

Ionising Radiations Regulations 1999

73.—(1) Schedule 1 to the Ionising Radiations Regulations 1999(2) 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;”.

Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000

74. The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous

(1) S.I. 1999/2892 as amended by S.I. 1999/416, S.I. 2006/657, S.I. 2008/960.

(2) S.I. 1999/3232 as amended by S.I. 2001/2975, S.I. 2008/960, S.I. 2010/675.

Substances) (England and Wales) Regulations 2000⁽¹⁾ are amended as follows.

75.—(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”.

76. In regulation 3(5)(b), for “Agency” substitute “appropriate authority”.

77.—(1) Regulation 6 is amended as follows.

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

(3) After sub-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.”

78. In regulation 7, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

79. In regulation 8(5), for “Agency”, in each place where it occurs, substitute “appropriate authority”.

80.—(1) Regulation 9 is amended as follows.

(2) In paragraph (5)(b), omit “and the Welsh Assembly”.

(3) After paragraph (5)(b) insert—

“(c) exercise the functions in paragraphs (1) to (5) in relation to every location in England.”

(4) After sub-paragraph (5) insert—

“(5A) The NRBW must compile an inventory of the contaminated equipment held at every

(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.

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.

(5) In paragraph (6), after “paragraph (5)(a)” insert “and paragraph (5C)”.

81. In regulation 10, for “Agency”, in each place where it occurs, substitute “appropriate authority”.

82. In regulation 11, in sub-paragraphs (1), (5) and (6), for “Agency”, in each place where it occurs, substitute “appropriate authority”.

83. In regulation 12 for “Agency” substitute “appropriate authority”.

84. In regulation 13B, for “The Environment Agency” substitute “The NRBW”.

Water Industry (Prescribed Conditions) Regulations 1999

85. The Water Industry (Prescribed Conditions) Regulations 1999(1) are amended as follows.

86.—(1) Regulation 3(3) is amended as follows.

(2) After sub-paragraph (a) insert—

“(aa) where the proposed action is likely to affect any part of Wales, the Natural Resources Body for Wales;”.

(3) In sub-paragraph (b), before “the Environment Agency” insert “where the proposed action is likely to affect any part of England,”.

(1) S.I. 1999/3442 as amended by S.I. 2005/2035, S.I. 2007/2457.

87.—(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 action is likely to affect any part of England, the Environment Agency;

(b) where the proposed action is likely to affect any part of Wales, the Natural Resources Body for Wales.”

Electricity Works (Environmental Impact Assessment) Regulations 2000

88. The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000(1) are amended as follows.

89.—(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.”

90. In Schedule 2, in paragraph (5)(h), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

(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.

Pipe-line Works (Environmental Impact Assessment) Regulations 2000

91.—(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

92. The Burry Port Harbour Revision Order 2000(2) is amended as follows.

93. For any reference to the Environment Agency, other than in article 19, substitute a reference to the Natural Resources Body for Wales.

94. In article 19(2)(g), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003

95. The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003(3) is amended as follows.

96. For any reference to the Agency, other than in regulations 2 and 9A, substitute a reference to the appropriate authority.

97.—(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”.

(1) S.I. 2000/1928 as amended by S.I. 2007/1992, S.I. 2011/2453.

(2) S.I. 2000/2152.

(3) S.I. 2003/164 as amended by S.I. 2006/3124.

Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003

98. In the Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003(1), for any reference to the Environment Agency (however framed) substitute a reference to the appropriate agency.

The Packaging (Essential Requirements) Regulations 2003

99. In Schedule 2 to the Packaging (Essential Requirements) Regulations 2003(2), 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”.

Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

100. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003(3) are amended as follows.

101.—(1) Regulation 2(1) is amended as follows.

(2) 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 in relation to the part in England, and the NRBW in relation to the part in Wales;”.

(3) After the definition of “environmental objectives” insert—

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

102.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1), after “the Assembly” insert “, the NRBW”.

(1) S.I. 2003/1788.
(2) 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.
(3) 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.

(3) In paragraph (2), for “and the Assembly” substitute “, the Welsh Ministers, the Agency and the NRBW”.

103.—(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”.

104. In regulation 5(2), for “Agency” substitute “appropriate agency”.

105. In regulations 7 to 11, for “Agency”, in each place where it occurs, substitute “appropriate agency”.

106.—(1) Regulation 12 is amended as follows.

(2) For “Agency”, in each place where it occurs, substitute “appropriate agency”.

(3) In sub-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”.

107. In regulations 13 to 16 for “Agency”, in each place where it occurs, substitute “appropriate agency”.

108. In regulation 17 after “Agency” insert “, the NRBW”.

109. In regulations 18 and 19 for any reference to Agency substitute a reference to appropriate agency.

110.—(1) Regulation 20 is amended as follows.

(2) 2

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

111. In Part 2 of Schedule 2, after paragraph 29 insert—

“30. The Natural Resources Body for Wales (Establishment) Order 2012.

31. The Natural Resources Body for Wales (Functions) Order 2012.”

The Environmental Assessment of Plans and Programmes Regulations 2004

112. In regulation 4(4)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004(1), for “the Countryside Council for Wales” substitute “the National Resources Body for Wales”.

End-of-Life Vehicles (Producer Responsibility) Regulations 2005

113.—(1) Regulation 24(4) of the End-of-Life Vehicles (Producer Responsibility) Regulations 2005(2) 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

114.—(1) The Appendix to the Charities (National Trust) Order 2005(3) is amended as follows.

(2) In Part 3 of the Schedule, for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

Hazardous Waste (England and Wales) Regulations 2005

115.—(1) Regulation 11 of the Hazardous Waste (England and Wales) Regulations 2005(4) is amended as follows.

(2) After sub-paragraph (a) insert—

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

Drought Plan Regulations 2005

116. In regulation 2(2)(i) of the Drought Plan Regulations 2005(5), omit “the Countryside Council for Wales and”.

Water Resources (Abstraction and Impounding) Regulations 2006

117. In the Water Resources (Abstraction and Impounding) Regulations 2006(6), for any reference to

(1) S.I. 2004/1633.
(2) S.I. 2005/263 as amended by S.I. 2010/1095, S.I. 2011/988.
(3) S.I. 2005/712.
(4) S.I. 2005/894 as amended by S.I. 2006/937, S.I. 2007/3538, S.I. 2010/675, S.I. 2011/556, S.I. 2011/988, S.I. 2011/2043.
(5) S.I. 2005/1905.
(6) S.I. 2006/641 as amended by S.I. 2008/165.

the Agency substitute a reference to the appropriate agency.

Waste Electrical and Electronic Equipment Regulations 2006

118. The Waste Electrical and Electronic Equipment Regulations 2006(1) are amended as follows.

119.—(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 “in 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 “in 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 “in 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—

“Natural Resources Body for Wales” means the body established by Article 2 of the

(1) S.I. 2006/3289 as amended by S.I. 2007/3434, 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
(Establishment) Order 2012;”.

120. In regulation 41(4)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

121. In regulation 43(e)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

122.—(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”.

123. In regulation 47(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

124. In regulation 48(1)(c)(i), after “Environment Agency” insert “, the Natural Resources Body for Wales”.

125. 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”

126.—(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

127. In regulation 2(2)(i) of the Water Resources Management Plan Regulations 2007(1), omit “the Countryside Council for Wales and”.

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

128. The Producer Responsibility Obligations (Packaging Waste) Regulations 2007(2) are amended as follows.

(1) S.I. 2007/727.

(2) 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.

129.—(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;
 - (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”.

130. In regulation 40B, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Marine Works (Environmental Impact Assessment) Regulations 2007

131.—(1) 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 NRBW”.

Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

132. The Offshore Marine Conservation (Natural Habitats &c) Regulations 2007(2) are amended as follows.

133. In regulation 25(3)(c), for “the Countryside Council for Wales” substitute “the NRBW”.

134. In regulation 71, for “the Countryside Council for Wales”, in each place where it occurs, substitute “the NRBW”.

Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

135. The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007(3) are amended as follows.

136. In regulation 2, after the definition of “National Emission Reduction Plan” insert—

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

137. In regulation 6(5), after “SEPA” insert “, NRBW”.

138.—(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.”

(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.

(4) In sub-paragraph (4), after “SEPA” insert “, NRBW”.

139.—(1) Regulation 9 is amended as follows.

(2) In paragraph (2), after “SEPA”, in each place where it occurs, insert “, NRBW”.

(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,”.

140.—(1) Regulation 12 is amended as follows.

(2) In sub-paragraph (a), after “SEPA;” omit “and”.

(3) After sub-paragraph (a), insert—

“(aa) NRBW;”.

141.—(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

142.—(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

143.—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(2) is amended as follows.

(2) In Part 1, in the list of bodies, in the appropriate place, insert “Natural Resources Body for Wales”.

(1) S.I. 2007/3106 as amended by S.I. 2010/675.

(2) 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, 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.

Bathing Water Regulations 2008

144. The Bathing Water Regulations 2008(1) are amended as follows.

145. For “Agency management measures”, in each place where it occurs, substitute “appropriate agency management measures”.

146. For any reference to the Agency, other than in regulation 3, substitute a reference to the appropriate agency.

147.—(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;”.

148. In regulation 3(2), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Dee Estuary Cockle Fisheries Order 2008

149. The Dee Estuary Cockle Fishery Order 2008(2) is amended as follows.

150.—(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—

““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(3).”

(1) S.I. 2008/1097 as amended by S.I. 2012/XXX

(2) S.I. 2008/1472

(3) 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.

151. In article 5, after paragraph (1), insert—

“(1A) A licence must apply in relation to the whole of the area of the fishery.”

The REACH Enforcement Regulations 2008

152. The REACH Enforcement Regulations 2008(1) are amended as follows.

153. In regulation 2, in the definition of “enforcing authority”, after sub-paragraph (f), insert—

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

154. In regulation 21(2)(a), after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

155.—(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);
- (j) article 56(2);
- (k) article 60(10);
- (l) article 67(1).

156. In Schedule 2, in paragraph 1, after “the Environment Agency,” insert “the Natural Resources Body for Wales,”.

157. In Schedule 6, in the heading to Part 1, after “The Environment Agency,” insert “the Natural Resources Body for Wales,”.

158.—(1) Schedule 7 is amended as follows.

(1) S.I. 2008/2852 as amended by S.I. 2009/716, S.I. 2010/1513, S.I. 2011/3058, S.I. 2012/632.

(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”.

159.—(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;”.

The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008

160. The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008(1) is amended as follows.

161. Regulation 2 is amended as follows.

(1) 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;”.

162. In regulation 16, for “and Wales” substitute “the Welsh Ministers in Wales,”.

The Ozone-Depleting Substances (Qualifications) Regulations 2009

163.—(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-

(1) S.I. 2008/3087.

(2) S.I. 2009/216 as amended by S.I. 2011/1543.

- (a) as regards England, the Environment Agency;
- (b) as regards Wales, the Natural Resources Body for Wales;
- (b) as regards Scotland, the Scottish Environment Protection Agency;”.

Fluorinated Greenhouse Gas Regulations 2009

164. The Fluorinated Greenhouse Gas Regulations 2009(1) are amended as follows.

165.—(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;”.

(3) In paragraph (3), for “the Agency”, in each place where it occurs, substitute “the appropriate agency”.

166. In regulation 56(5), for “the Agency” substitute “the appropriate authority”.

Waste Batteries and Accumulators Regulations 2009

167. The Waste Batteries and Accumulators Regulations 2009(2) are amended as follows.

168.—(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”.

(1) S.I. 2009/261 as amended by S.I. 2010/1513.

(2) S.I. 2009/890 as amended by S.I. 2009/3381, S.I. 2010/675, S.I. 2011/988.

(6) in the definition of “treatment, recycling and export application charge”, in sub-paragraph (a), after “Environment Agency” insert “, the NRBW”.

169.—(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;”

170. In regulation 13(2)(d)(i), after the words “Environment Agency” insert “, the NRBW”.

171.—(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).

172.—(1) Regulation 86(2) is amended as follows.

(2) in sub-paragraph (a), omit “and Wales”.

(3) after sub-paragraph (a), insert—

“(aa) in Wales, the NRBW;”.

Infrastructure Planning (National Policy Statement Consultation) Regulations 2009

173.—(1) Regulation 3 of the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009(1), 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”.

Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009

174. The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009(2) are amended as follows.

(1) S.I. 2009/1302 as amended by S.I. 2010/439.

(2) S.I. 2009/1927.

175. For “the Environment Agency”, in each place where it occurs, substitute “the regulator”.

176.—(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;”.

177. In regulation 4(1), for “in its area” substitute “in the authority’s area”.

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

178.—(1) In Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(1), 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—

“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. 2009/2264 as amended by S.I. 2010/439, S.I. 2012/635.

Flood Risk Regulations 2009

179. The Flood Risk Regulations 2009⁽¹⁾ are amended as follows.

180.—(1) For “the Environment Agency”, in each place where it occurs, substitute “the appropriate agency”, but this is subject to sub-paragraph (2).

(2) Sub-paragraph (1) does not apply to regulations 11, 12, 15, 20, 21, 22, 27(9), 28, 31, 32(1), 35, 36, 37 and 38.

181.—(1) For every 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 regulations 8B, 15, 22, 28, 31 and 36.

182. After regulation 8B insert—

“8C. “Appropriate Agency”

The “appropriate agency” means—

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

183. In regulation 11(2)(a), after “the Environment Agency” insert “or the Natural Resources Body for Wales”.

184.—(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) For paragraph (7) substitute—

“(7) Lead local flood authorities must have regard to guidance about the form of a preliminary assessment report—

- (a) in relation to England, issued by the Environment Agency;
- (b) in relation to an English cross border area, by the Environment Agency and the Scottish Environment Protection Agency acting jointly;
- (c) in relation to Wales, by the Natural Resources Body for Wales.”

185. In regulation 13(1)(a), after “each” insert “relevant”.

186. In regulation 15(1)(b), after “the Agency” insert “and by the Natural Resources Body for Wales”.

(1) S.I. 2009/3042 as amended by S.I. 2010/1102, S.I. 2011/2880 (W. 308).

187. In regulation 20, for paragraph (8) substitute—

“(8) Lead local flood authorities must have regard to guidance about the form of flood hazard maps—

- (a) in relation to England, issued by the Environment Agency;
- (b) in relation to an English cross border area, by the Environment Agency and the Scottish Environment Protection Agency acting jointly;
- (c) in relation to Wales, by the Natural Resources Body for Wales.”

188. In regulation 21, for paragraph (4) substitute—

“(4) Lead local flood authorities must have regard to guidance about the form of flood risk maps—

- (a) in relation to England, issued by the Environment Agency;
- (b) in relation to an English cross border area, by the Environment Agency and the Scottish Environment Protection Agency acting jointly;
- (c) in relation to Wales, by the Natural Resources Body for Wales.”

189. In regulation 22(1), after “prepared by the Agency” insert “and the Natural Resources Body for Wales”.

190. In regulation 28(1), after “prepared by the Agency” insert “and by the Natural Resources Body for Wales”.

191. In regulation 32(4), after “completed” insert “following consultation between the Environment Agency and the Natural Resources Body for Wales where appropriate,”.

192.—(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,”.

193.—(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 Natural Resources Body for Wales”;
- (c) for “its” substitute “their”.

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

(4) Omit regulation 36(3)(k).

Eels (England and Wales) Regulations 2009

194. The Eels (England and Wales) Regulations 2009(1) are amended as follows.

195. For any reference to the Agency, other than in regulations 2 and 11, substitute a reference to the appropriate agency.

196.—(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

197.—(1) In the Schedule to the Infrastructure Planning (Interested Parties) Regulations 2010(2), the Table is amended as follows.

(2) In the entry for the Environment Agency, in column 2, delete “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

198.—(1) In Schedule 2 to the Infrastructure Planning (Compulsory Acquisition) Regulations

(1) S.I. 2009/3344 as amended by S.I. 2011/2976.

(2) S.I. 2010/102 as amended by S.I. 2012/635.

2010(1) (SI 2010/104), the Table is amended as follows.

(2) In the entry for the Environment Agency, in column 2, delete “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”; and

(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

199.—(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;”.

Conservation of Habitats and Species Regulations 2010

200. The Conservation of Habitats and Species Regulations 2010(3) are amended as follows.

201. 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”.

202.—(1) Regulation 9(2) is amended as follows.

(2) Omit the reference to “sections 131, 132 and 134 of the Environmental Protection Act 1990 (which relates to nature conservation functions of the Countryside Council for Wales)”.

(3) Before the reference to “the Water Resources Act 1991” insert “the Natural Resource Body for Wales (Establishment) Order 2012, where the functions are exercised for purposes relating to nature conservation”.

(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.
(3) S.I. 2010/490 as amended by S.I. 2011/625, S.I. 2012/630, S.I. 2012/635, S.I. 2012/1927.

203. In regulation 9A, in paragraphs (2) and (10) , after “Forestry Commissioners” insert “, the Natural Resources Body for Wales in relation to Wales.”.

204.—(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), insert—

“(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 England” .

(4) After paragraph (3), insert—

“(4) In the case of a licence granted in Wales—

(a) under regulation 53(1) for a purpose specified in any of sub-paragraphs (a) to (g) of paragraph (2) of that regulation,

(b) under regulation 53(4), or

(c) under regulation 54,

“relevant licensing body” means the Natural Resources Body for Wales.”

205. In regulation 99(2), after “the Environment Agency” insert “in relation to England or the Natural Resources Body for Wales in relation to Wales”.

206. 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

207. The Environmental Permitting (England and Wales) Regulations 2010(1) are amended as follows.

208.—(1) Regulation 2(1) is amended as follows.

(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—

(1) 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.

““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”.

209.—(1) Regulation 32 is amended as follows.

(2) In paragraph (1), for “paragraph (2)” substitute “paragraphs (1B) and (2)”.

(3) After paragraph (1) insert—

“(1B) 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) 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) 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.”

210. 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 authority.

211. In regulation 108(2), at the end of that paragraph insert “and in relation to Wales references to the Agency in paragraph 2(1) of Schedule 2, paragraph 7(2)(a) and 30 (1) (b) (i) of Schedule 3 are deemed to be reference 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)”.

212.—(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, for “Agency” where it appears substitute “appropriate agency”,

Flood Risk Management Functions Order 2010

213. In article 2(1) of Flood Risk Management Functions Order 2010(1), after “the Environment Agency” insert “in relation to England and the Natural Resources Body for Wales in relation to Wales”.

Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011

214. In article 5(2) of the Flood and Water Management Act 2010 (Commencement No 3 and Transitional Provisions) Order 2011(2), 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

215. The Regional Flood and Coastal Committees (England and Wales) Regulations 2011(3) are amended as follows.

216.—(1) For “the Agency”, in each place where it occurs, substitute a reference to “the appropriate authority”, but this is subject to sub-paragraph (2)..

(2) Sub-paragraph (1) does not apply to regulations 2, 6, 8, 11, 18, 19, 22, 31 and 32.

217.—(1) Regulation 2(1) is amended as follows.

(2) After the definition of “the 2010 Act” insert—

“the appropriate authority” means—

(a) in relation to English Committees, the Agency; and

(b) in relation to Welsh Committees, the NRBW;”.

(3) After the definition of “levy” insert—

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

218. In regulation 4(3)(a), for “and” substitute “or”.

219. In regulation 6(1)(c), after “the Agency” insert “, for English Committees and by the NRBW for Welsh Committees.”

(1) S.I. 2010/2232.

(2) S.I. 2011/694.

(3) S.I. 2011/695.

220. In regulation 11(1)(b)(i), after “the Agency” insert “or the NRBW,”.

221. In regulation 18(1)(c), for “the Agency” substitute “the appropriate authority that appointed that member”.

222. In regulation 19(1)(c), for “the Agency” substitute “the appropriate authority that appointed that member”.

223. In regulation 22(1)(b), for “the Agency” substitute “the appropriate authority that appointed that member”.

Environment Agency (Levies) (England and Wales) Regulations 2011

224. The Environment Agency (Levies) (England and Wales) Regulations 2011⁽¹⁾ are amended as follows.

225. In the title to the Regulations, for “Environment Agency” substitute “Flood and Coastal Erosion Risk Management”.

226.—(1) Regulation 1 is amended as follows.

(2) In paragraph 1(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.”

227.—(1) Regulation 2 is amended as follows.

(2) Omit the definition of “the Agency”.

(3) Before the definition of “area” insert—

““the appropriate agency” means the Environment Agency in relation to England and the Natural Resources Body for Wales in relation to Wales”.

228. For any reference to the Agency, other than in regulations 1, 2 and 13, substitute a reference to the appropriate agency.

The Waste (England and Wales) Regulations 2011

229. The Waste (England and Wales) Regulations 2011⁽²⁾ are amended as follows.

(1) S.I. 2011/696.

(2) S.I. 2011/988 as amended by S.I. 2011/600 (W. 88), S.I. 2011/2043.

230. 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.

231. 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;”.

232. For regulation 9 substitute—

“Directions to the appropriate body

9.—(1) The appropriate authority may give directions to the 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—
 - (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.”

233. 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.”

234.—(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”.

The Environmental Protection (Control of Ozone-Depleting Substances) Regulations 2011

235.—(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;”.

(1) S.I. 2011/1543.

Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011

236.—(1) In Schedule 1 of the Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011⁽¹⁾, the Table is amended as follows.

(2) In the entry for the Environment Agency, in columns 2 and 3, delete “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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Greenhouse Gas Emissions Trading Scheme Regulations 2012

237. The Greenhouse Gas Emissions Trading Scheme Regulations 2012 are amended as follows.

238.—(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;”.

239.—(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;”.

(1) S.I. 2011/2055 as amended by S.I. 2012/635.

(3) In the definition of “authority”, for sub-paragraph (a) substitute—

“(a) the Welsh Ministers, where P’s regulator is the NRBW;”.

240.—(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.”

241.—(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,”.

242. 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,”.

243. 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”;

(a) 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;”.

(1) 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;”.

CRC Energy Efficiency Scheme Order 2013

244. The CRC Energy Efficiency Scheme Order 2013 is amended as follows.

245.—(1) Article 9 is amended as follows.

(2) In sub-paragraph (1)(b)—

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

(b) at the end of sub-paragraph (iii), for “.” substitute “;”;

(c) after sub-paragraph (iii) insert—

“(iv) the Natural Resources Body for Wales, in respect of Wales.”.

(3) In paragraph (2)—

(a) at the end of sub-paragraph (c), for “.” substitute “;”;

(b) after sub-paragraph (c) insert—

“(d) the Natural Resources Body for Wales, the Welsh Ministers.”.

246.—(1) Article 90 is amended as follows.

(2) In paragraph (1)—

(a) at the end of sub-paragraph (c), for “.” substitute “;”;

(b) after sub-paragraph (c) insert—

“(d) the Natural Resources Body for Wales, the appeal body is the First-tier Tribunal.”.

(3) In paragraph (2)—

(a) at the end of sub-paragraph (c), for “.” substitute “;”;

- (b) after sub-paragraph (c) insert—
 - “(d) the Natural Resources Body for Wales, against a determination, notice or penalty made or given by the Welsh Ministers.”.

(4) In paragraph (3)—

- (a) at the end of sub-paragraph, (c) for “.” substitute “;”;
- (b) after sub-paragraph (c) insert—
 - “(d) the Welsh Ministers, in respect of an appeal made by the applicant or participant which is or includes the Natural Resources Body for Wales.”.

247.—(1) Article 97 is amended as follows:

(2) After paragraph (2) insert—

“(2A) In paragraph (1)(b) of Article 9 (the administrator)—

- (a) in sub-paragraph (i) omit “and Wales”;
- (b) at the end of sub-paragraph (iii) for “.” substitute “;”;
- (c) after sub-paragraph (iii) insert—
 - “(iv) the Natural Resources Body for Wales, in respect of Wales.”.

(3) After paragraph (7) insert—

“(8) In paragraph 2 of Schedule 10 (appeals)—

- (a) for sub-paragraph (a) substitute—
 - “(a) the Environment Agency, the appeal body is the Secretary of State.”;
- (b) at the end of sub-paragraph (c), for “.” substitute “;”;
- (c) after sub-paragraph (c) insert—
 - “(d) the Natural Resources Body for Wales, the appeal body is the Welsh Ministers.”.

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

(2) In the heading for Section 3—

- (a) after “the Scottish Ministers” for “or” substitute “;”;
- (b) after “Department of the Environment” insert “or the Welsh Ministers”.

(3) In paragraph 15—

- (a) at the end of sub-paragraph (c) for “.” substitute “;”;
- (b) after sub-paragraph (c) insert—
 - “(d) the Natural Resources Body for Wales.”.

(4) In paragraph 16—

- (a) after “the Scottish Minister” for “or” substitute “,”;
- (b) after “Department for Environment” insert “or the Welsh Ministers”.

WELSH STATUTORY
INSTRUMENTS

The Countryside Access (Draft Maps) (Wales) Regulations 2001

1. The Countryside Access (Draft Maps) (Wales) Regulations 2001⁽¹⁾ are amended as follows.

2. For every 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) After the definition of “local access forum” insert—

““the NRBW” 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”.

(1) S.I. 2001/4001(W. 329) as amended by S.I. 2002/1796 (W. 171).

(2) S.I. 2002/1772 (W. 168).

Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002

8. The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002⁽¹⁾ are amended as follows.

9.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “the Council”.

(3) After the definition of “the National Assembly” insert—

““the NRBW” 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)”.

The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002

12.—(1) Regulation 13(4) of the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002⁽²⁾ 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⁽³⁾ 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).

(1) S.I. 2002/1796 (W. 171).

(2) S.I. 2002/3188 (W. 304) as amended by S.I. 2005/1913 (W. 156), S.I. 2005/2759.

(3) S.I. 2003/135 (W. 9).

Coast Protection (Notices) (Wales) Regulations 2003

16. In regulation 4(c) of the Coast Protection (Notices) (Wales) Regulations 2003(1), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

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(2) is amended as follows.

(2) In sub-paragraph (b) before “the Environment Agency” insert “where the proposed action is likely to affect any part of England,”.

(3) In sub-paragraph (c), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

The Landfill Allowances Scheme (Wales) Regulations 2004

18. In regulation 5 of the Landfill Allowances Scheme (Wales) Regulations 2004(3), for “Environment Agency” substitute “Natural Resources Body for Wales”.

The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

19. In regulation 4 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(4), 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

(1) S.I. 2003/1847 (W. 197).
(2) S.I. 2004/701 (W. 75) as amended by S.I. 2005/2035.
(3) 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).
(4) S.I. 2004/1656 (W. 170).

2005(1) are amended as follows.

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” () means the Natural Resources Body for Wales;”

23. In regulation 11, after sub-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”.

The 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.

(1) 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.

(2) In the definition of “specific consultation bodies”—

- (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(2), after “the Agency” insert “, the Natural Resources Body for Wales,”.

Contaminated Land (Wales) Regulations 2006

29. In the Contaminated Land (Wales) Regulations 2006(3), 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(4), 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(5) 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).

(1) S.I. 2005/2839 (W. 203) as amended by S.I. 2011/971 (W. 141).
(2) S.I. 2006/2988 (W. 277) as amended by S.I. 2007/3250, S.I. 2008/521, S.I. 2010/2146.
(3) S.I. 2006/2989 (W. 278) as amended by S.I. 2007/3538, S.I. 2010/675, S.I. 2012/283 (W. 47).
(4) S.I. 2007/701 (W. 58).
(5) S.I. 2007/2933 (W. 253).

33. In regulation 5(7)(d), for “the Countryside Council for Wales” substitute “the Natural Resources Body for Wales”.

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) Before the definition of “crop with high nitrogen demand” insert—

““Body” 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 paragraphs 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) In regulation 11, the third column of the table is amended as follows.

(2) Against the entry in the first column for “Damage to water”, for “Environment

(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.

Agency”, substitute “Natural Resources Body for Wales”.

(3) Against the entry in the first column commencing “Damage to protected species or natural habitats”, for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

(4) Against the entry in the second column “water but not in the sea”, for “Environment Agency” substitute “Natural Resources Body for Wales”.

(5) Against the next entry in the second column, “the sea”, for “if the damage is due to an activity authorised by the Environment Agency, the Environment Agency” substitute “if the damage is due to an activity authorised by the Environment Agency or the Natural Resources Body for Wales, the Natural Resources Body for Wales”.

41. In regulation 31(2), for “Environment Agency” substitute “Natural Resources Body for Wales”.

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” (“*y cyrff ymgynghori*”)—

- (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” (“*ardal sensitif*”), in sub-paragraph (g), for “the Countryside Council for Wales” substitute “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).

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(1) are amended as follows.

- (a) For any reference to the Environment Agency, other than in regulation 2(1), substitute a reference to the NRBW.

45.—(1) Regulation 2(1) is amended as follows.

(2) Omit the definition of “Environment Agency” (“*Asiantaeth yr Amgylchedd*”).

- (3) Before the definition of “reception pit” insert—
““NRBW” means the Natural Resources Body for Wales;”.

Environmental Civil Sanctions (Wales) Order 2010

46. In article 2 of the Environmental Civil Sanctions (Wales) Order 2010(2), for “The Environment Agency” substitute “The Natural Resources Body for Wales”(3).

Llangollen and Corwen Railway Order 2010

47. In the Llangollen and Cowen Railway Order 2010(4), 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

48. In article 4(1)(a) of the Sea Fish (Specified Area) (Prohibition of Fixed Engines) (Wales) Order 2010(5), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Marine Licensing (Exempted Activities) (Wales) Order 2011

49. The Marine Licensing (Exempted Activities) (Wales) Order 2011(6) is amended as follows.

50. In articles 18(1) and 19(1), after “by or on behalf of” insert “the Natural Resources Body for Wales or”.

(1) S.I. 2010/1493 (W. 136).
(2) S.I. 2010/1821 (W. 178).
(3) Schedule 7 contains transitional provisions relating to this Order.
(4) S.I. 2010/2136 (W. 192).
(5) S.I. 2010/2915 (W. 240).
(6) S.I. 2011/559 (W. 81).

51. In article 25(1) for “the Countryside Council for Wales”, in each place where it occurs, substitute “the NRBW”.

Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011

52. In regulation 1(c)(ii) of the Flood and Coastal Erosion Risk Management Information Appeals (Wales) Regulations 2011(1), after “the Environment Agency” insert “and the Natural Resources Body for Wales”.

The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

53. The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011(2) are amended as follows.

54. In regulation 2, in the definition of “the WasteDataFlow system”, for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

55. In regulation 3(1), for “the Environment Agency” substitute “the Natural Resources Body for Wales”.

Incidental Flooding and Coastal Erosion (Wales) Order 2011

56. In article 3(3) of the Incidental Flooding and Coastal Erosion (Wales) Order 2011(3), after the “Environment Agency” insert “in relation to England and the Natural Resources Body for Wales in relation to Wales”.

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

57. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(4) is amended as follows(5).

58.—(1) Article 27(3) is amended as follows.

(2) In sub-paragraph (b), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

(3) Omit sub-paragraph (c).

(1) S.I. 2011/865 (W. 127).
(2) S.I. 2011/1014 (W.152).
(3) S.I. 2011/2829 (W. 302).
(4) S.I. 2012/801 (W. 110).
(5) Schedule 7 contains transitional provisions relating to this Order.

59.—(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

The Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004

1. The Environment Agency (River Dee) (Limitation of Salmon and Sea Trout) Order 2004 is amended as follows.

2. In the title to the Order and in article 1, after “Environment Agency” insert “and the Natural Resources Body for Wales”.

3. 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 with 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)”.

4. In articles 5 and 9, for “the Agency” substitute “the appropriate agency”.

5. In article 6, for “Net Licensing Committee” substitute “Net Licence Officer”.

The Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009

6. The Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2009 is amended as follows.

7. For “the Environment Agency”, in each place where it occurs, other than in article 2, substitute “the Natural Resources Body for Wales”.

(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.

8. For “the Agency’s area”, in each place where it occurs, other than in article 2, substitute “the NRBW’s area”.

9. For “the Agency”, in each place where it occurs, other than in article 2, substitute “the NRBW”.

10.—(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.”

11. 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.”

12. 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.”.

13. In the Schedule, in Parts 1 and 2, omit column 3.

14.

TRANSITIONAL AND SAVING
PROVISIONS

PART 1

General provisions

Interpretation

1. In this Schedule—

“the transfer date” means 1 April 2013;

“transferee” means the body or person by whom a transferred function becomes exercisable on the transfer date;

“relevant function” means any function which, by virtue of any provision made by this Order, becomes exercisable on the transfer date by or in relation to a person or body other than the person or body by or in relation to whom it was exercisable immediately before that date; and

“transferor” means the body or person by or in relation to whom a transferred function was exercisable immediately before the transfer date.

2. For the purpose of the definition of “transferred function”, it does not matter—

(a) that a function continues to be exercisable on and after the transfer date by or in relation to the transferor as well as the transferee;

(b) that the function is exercisable by or in relation to the transferee jointly with any other person or body.

Initial functions of the Body

3. The amendment or revocation by Schedule 1 of a provision of the Establishment Order does not affect the validity of anything done by or in relation to the Body or any of its members before the amendment or revocation takes effect.

Continuity of exercise of transferred functions

4.—(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 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 relevant 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 relevant 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 in this article 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.

(5) Any reference to a transferor in any document constituting or relating to anything to which the provisions of this article apply is, so far as is required for giving effect to those provisions, to be treated as a reference to the transferee.

(6) The provisions of this article—

- (a) are without prejudice to any provision made by this Order in relation to any particular functions; and
- (b) are not to be treated as continuing in force any contract of employment made by a transferor.

Directions

5.—(1) A direction which was given (or which is to be treated as having been given) under section 3(1) of the National Parks and Access to the Countryside Act 1949 or section 131(4) of the Environmental Protection Act 1990 before the transfer date is to be treated on and after the transfer date as a direction given under article 11(1) of the Establishment Order.

(2) A direction which was given (or which is to be treated as having been given) for the purposes of section 1(4) of the Forestry Act 1967, or under section 40(1) of the 1995 Act, before the transfer date is, to the extent that it applies in relation to a relevant 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.

(3) A direction which was given (or which is to be treated as having been 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.

PART 2

Provisions relating to specific amendments of primary legislation

Environmental Protection Act 1990

6. For the purposes of section 59(6) of the 1990 Act, the Natural Resources Body for Wales may recover from any such person both expenses reasonably incurred by the Environment Agency as the authority before the transfer date and expenses reasonably incurred by the Natural Resources Body for Wales as the authority on or after that date.

7. 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.

PART 3

Provisions relating to specific amendments of subordinate legislation

The Control of Major Accident Hazards Regulations 1999 (SI 1999/743)

8.—(1) Where—

- (a) a safety report is sent to the competent authority in relation to an establishment in Wales; and
- (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 Agency for the purposes of regulation 7(11) of the 1999 Regulations.

(2) In this paragraph—

“the 1999 Regulations” means the Control of Major Accident Hazards Regulations 1999;

“the Agency” has the same meaning as in regulation 2(1) of the 1999 Regulations as amended by paragraph [X] of Schedule [4] to this Order;

“competent authority” has the same meaning as in regulation 2(1) of the 1999 Regulations;

“safety report” has the same meaning as in regulation 2(1) of the 1999 Regulations.

The Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892)

9.—(1) This paragraph applies where immediately before the transfer date for the purposes of regulation 10 of the Town and Country Planning (Trees) Regulations 1999 section 211 (preservation of trees in conservation areas) of the Town and Country Planning Act 1990 did not apply to those actions described in regulation 10(1).

(2) Where this paragraph applies the amendment made by paragraph [X] of Schedule 4 does not have effect.

Hazardous Waste (Wales) Regulations 2005 (S.I. 2005/1806)

10.—(1) This paragraph applies where notification was given by or on behalf of a producer or consignor prior to the transfer date and a premises code issued by the Environment Agency prior to that date.

(2) Regulation 28(2) takes effect without the amendment made by this Order.

11.—(1) This paragraph applies in relation to the retention of registers and any accompanying records as required by regulation 58.

(2) Notwithstanding the amendments made to the Hazardous Waste (Wales) Regulations 2005 by this Order, where registers and any accompanying records were received by the Environment Agency before the transfer date, the period of not less than three years referred to in regulation 58 is deemed to start on the date the Environment Agency received any such registers and accompanying records.

Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 (S.I. 2009/995) (W. 81)

12. For the purposes of regulations 24 and 25 of the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, references to costs incurred by the enforcing authority include costs incurred by the Environment Agency prior to the date this Order comes into force.

Environmental Civil Sanctions (Wales) Order 2010 (SI 2010/1821 (W.178))

13.—(1) In this paragraph—

“the 2008 Act” means the Regulatory Enforcement and Sanctions Act 2008;

“the 2010 Order” means the Environmental Civil Sanctions (Wales) Order 2010 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.

Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801)

14.—(1) This paragraph applies in relation to row (q) of the table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 where an area was notified to the local planning authority by the CCW before the transfer date .

(2) Sub-paragraph (ii) of row (q) has effect without the amendment made by paragraph [X] of Schedule 5.

15.—(1) This paragraph applies in relation to row (t) of the table in Schedule 4 where an area was notified to the local planning authority by the Countryside Council for Wales before the transfer date.

(2) Sub-paragraph (ii) of row (t) has effect without the amendment made by paragraph [X] of Schedule 5.

PART 4

Provisions relating to abolition of CCW

Interpretation

16. In this Part, “the relevant period” means the period commencing on 1 April 2012 and ending on 31 March 2013.

Final statement of accounts in relation to the Countryside Council for Wales

17.—(1) The Body must prepare a statement of accounts in respect of the Countryside Council for Wales 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 the 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 statement of accounts in relation to the Countryside Council for Wales

18.—(1) The Body must prepare a statement of accounts in respect of the Countryside Council for Wales 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 the 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.