

Status: Point in time view as at 06/04/2024. This version of this schedule contains provisions that are prospective.

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SCHEDULE 2

(introduced by sections 27, 64, 70, 81 and 86)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

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

- 1 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 15A(2)—
- (a) in paragraph (a)—
 - (i) after “Act” insert “ or section 16 of the 2016 Act ”;
 - (ii) omit the “and” at the end;
 - (b) after paragraph (b) insert—
 - “(c) “the 2016 Act” means the Environment (Wales) Act 2016.”
- (3) In section 16—
- (a) in subsection (1)—
 - (i) for “The Natural Resources Body for Wales” the first time it appears substitute “ A Welsh local authority ”;
 - (ii) for “Natural Resources Body for Wales” the second time it appears substitute “ Welsh local authority ”;
 - (b) after subsection (1) insert—
 - “(1A) The power of a Welsh local authority in subsection (1)—
 - (a) is also exercisable where it appears to the authority that it is expedient in the interests of the locality that land should be managed as a nature reserve;
 - (b) is exercisable only in relation to land in the authority's area that is not held by, or managed in accordance with an agreement entered into with, the Natural Resources Body for Wales.”;
 - (c) in subsection (3), in paragraphs (b) and (c), for “the Natural Resources Body for Wales” substitute “ a Welsh local authority ”;
 - (d) in subsection (4), for “the Natural Resources Body for Wales” substitute “ a Welsh local authority ”;
 - (e) after subsection (5) insert—
 - “(6) In this section a “Welsh local authority” means—
 - (a) the council of a county or county borough in Wales, and
 - (b) a National Park authority for a National Park in Wales.”
- (4) In section 21(4)—
- (a) omit “, the Natural Resources Body for Wales”;
 - (b) for “references in subsection (1) of sections sixteen and seventeen respectively of this Act to the national interest were references” substitute “

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reference in subsection (1) of section 17 of this Act to the national interest were a reference ”.

Countryside Act 1968 (c. 41)

- 2 (1) The Countryside Act 1968 is amended as follows.
- (2) Omit section 4.
- (3) Omit section 15.
- (4) In section 15A(6)(b), for “such agreement as is referred to in section 15(2)” substitute “an agreement under section 16 of the Environment (Wales) Act 2016 imposing, for the purpose of conserving flora, fauna, or geographical or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land ”.
- (5) In section 41(2)(b)—
- (a) in sub-paragraph (i), for “section 4” substitute “an experimental scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), where the scheme is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity ”;
 - (b) in sub-paragraph (ii), for “section 4(5)(b)” substitute “section 16 of the Environment (Wales) Act 2016 that is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity ”.
- (6) In section 45(1), omit “the NRBW or”.
- (7) In section 47(3), omit “section 4(5)(b) or”.

Wildlife and Countryside Act 1981 (c. 69)

- 3 (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) In section 28E(3)(b) for “, section 15 of the 1968 Act or section 7 of the Natural Environment and Rural Communities Act 2006” substitute “, section 7 of the Natural Environment and Rural Communities Act 2006 or section 16 of the Environment (Wales) Act 2016 ”.
- (3) In section 28J, omit subsection (13).
- (4) In section 32, after subsection (2) insert—
- “(2A) Subsection (2) has effect in relation to Wales as if the reference to an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act were a reference to an agreement under section 16 of the Environment (Wales) Act 2016.”
- (5) In section 39(5), omit paragraph (e).
- (6) Omit section 40.
- (7) In section 41(5)—
- (a) in the definition of “management agreement”, in paragraph (b), after “39” insert “or under section 16 of the Environment (Wales) Act 2016 ”;

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- (b) in the definition of “the relevant authority”, after “Natural England” insert “ and in relation to Wales it also includes the Natural Resources Body for Wales ”.
- (8) In section 50(1)(a), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.
- (9) In section 51(1)—
 - (a) in paragraph (c), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”;
 - (b) in paragraph (h), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.

Road Traffic Regulation Act 1984 (c. 27)

- 4 In section 22(1)(a) of the Road Traffic Regulation Act 1984—
 - (a) in sub-paragraph (iv), for “or the Natural Resources Body for Wales are conducting a scheme under section 4 of the 1968 Act” substitute “ , or in which the Natural Resources Body for Wales is conducting a scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) that is designed to facilitate the enjoyment of the countryside or to conserve or enhance its natural beauty or amenity ”;
 - (b) in sub-paragraph (v), omit “or an agreement under section 15 of the 1968 Act”.

Water Industry Act 1991 (c. 56)

- 5 In section 156(8) of the Water Industry Act 1991, in the definition of “management agreement”, in paragraph (b), after “1981” insert “ or section 16 of the Environment (Wales) Act 2016 ”.

Environment Act 1995 (c. 25)

- 6 (1) The Environment Act 1995 is amended as follows.
 - (2) In section 9(5)(b)(ii), omit “, 5E”.
 - (3) In section 66, after subsection (7) insert—
 - “(7A) A National Park authority for a park in Wales which is proposing to publish, adopt or review any plan under this section must have regard to—
 - (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
 - (b) any area statement published under section 11 of that Act for an area that includes all or part of the park.”

Countryside and Rights of Way Act 2000 (c. 37)

- 7 In section 90 of the Countryside and Rights of Way Act 2000, after subsection (1) insert—
 - “(1A) In the case of an area of outstanding natural beauty in Wales, a conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 must have regard to—

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- (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
- (b) any area statement published under section 11 of that Act for an area that includes all or part of the area of outstanding natural beauty.”

Planning and Compulsory Purchase Act 2004 (c. 5)

- 8 (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) In section 60(5), as substituted by section 3 of the 2015 Act, before paragraph (a) insert—
- “(za) the national natural resources policy published under section 9 of the Environment (Wales) Act 2016,”.
- (3) In section 62(5), after paragraph (ba), as inserted by paragraph 25 of Schedule 2 to the 2015 Act, insert—
- “(bb) any area statement published under section 11 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;”.
- (4) In this paragraph, “the 2015 Act” means the Planning (Wales) Act 2015 (anaw 4).

Natural Environment and Rural Communities Act 2006 (c. 16)

- 9 (1) The Natural Environment and Rural Communities Act 2006 is amended as follows.
- (2) In section 40—
- (a) before subsection (1) insert—
 - “(A1) This section applies where—
 - (a) Her Majesty's Revenue and Customs are exercising their functions;
 - (b) any other public authority is exercising its functions in relation to England.”
 - (b) in subsection (1), for “Every” substitute “The ”;
 - (c) in subsection (2) for “, government department or the National Assembly for Wales” substitute “ or government department ”;
 - (d) in subsection (4)—
 - (i) omit paragraph (b);
 - (ii) in paragraph (c), for “, a local planning authority and a strategic planning panel” substitute “ and a local planning authority ”;
 - (e) in subsection (5), in the definition of “local authority”—
 - (i) in paragraph (a), for “in relation to England, a county council” substitute “ a county council in England ”;
 - (ii) omit paragraph (b);
 - (f) in that subsection, omit the definition of “strategic planning panel”.
- (3) Omit section 42.
- (4) In Schedule 11, omit the following—
- (a) paragraphs 6 to 8;
 - (b) paragraph 14(4);

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- (c) paragraphs 41 and 42;
- (d) in paragraph 43—
 - (i) sub-paragraphs (2) and (3);
 - (ii) in sub-paragraph (4), paragraphs (a), (b) and (c)(i);
 - (iii) sub-paragraph (5);
 - (iv) sub-paragraph (7);
- (e) paragraph 44;
- (f) paragraph 50;
- (g) paragraph 55(2);
- (h) paragraph 57;
- (i) paragraph 59;
- (j) paragraph 80;
- (k) paragraphs 117 to 121;
- (l) paragraph 123;
- (m) paragraph 126;
- (n) paragraph 141(2)(b).

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

- 10 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.
- (2) In section 11(3), for the words after “means” substitute “ the goals set out in “Transforming our world: the 2030 Agenda for Sustainable Development”, adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015 ”.
- (3) In section 38(3), after paragraph (g) insert—
“(ga) each area statement under section 11 of the Environment (Wales) Act 2016 (if any) which relates to any part of the local authority's area;”.

Planning (Wales) Act 2015 (anaw 4)

- 11 In Schedule 2 to the Planning (Wales) Act 2015, omit paragraph 28.

PROSPECTIVE

PART 2

CHARGES FOR CARRIER BAGS

Climate Change Act 2008 (c. 27)

- 12 (1) The Climate Change Act 2008 is amended as follows.
- (2) In section 77, omit the following—
 - (a) subsection (3)(b);
 - (b) subsection (4)(aa).

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(3) In section 98, omit the entries for “children”, “nuisance”, “pollution” and “young people”.

(4) In Schedule 6—

- (a) omit paragraphs 4A and 4B;
- (b) omit paragraph 7(3A);
- (c) omit paragraph 8(2A);
- (d) omit paragraph 24(6)(b);
- (e) omit paragraph 25(5)(b);
- (f) omit paragraph 26(2)(a);
- (g) omit paragraph 27(5);
- (h) in the italic cross-heading before paragraph 28, for “two or more” substitute “both”;
- (i) in paragraph 28(1)—
 - (i) omit “any two or more of”;
 - (ii) omit paragraph (b) (but not the following “and”).

Waste (Wales) Measure 2010 (nawm 8)

- 13 (1) The Waste (Wales) Measure 2010 is amended as follows.
- (2) Omit sections 1 and 2.
- (3) In the Schedule, omit paragraph 2.

PART 3

COLLECTION AND DISPOSAL OF WASTE

Environmental Protection Act 1990 (c. 43)

- 14 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In the heading of section 45A, for “Arrangements” substitute “ England: arrangements ”.
- (3) Omit section 45B.

Commencement Information

II Sch. 2 para. 14 in force at 18.10.2023 by S.I. 2023/1096, art. 2(e)

Household Waste Recycling Act 2003 (c. 29)

- 15 In the Household Waste Recycling Act 2003, omit section 2.

Commencement Information

I2 Sch. 2 para. 15 in force at 18.10.2023 by S.I. 2023/1096, art. 2(e)

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Government of Wales Act 2006 (c. 32)

- 16 In Schedule 11 to the Government of Wales Act 2006, in paragraph 35(3), in Table 1, omit the entry relating to section 45B(1) of the Environmental Protection Act 1990.

Commencement Information

- I3** Sch. 2 para. 16 in force at 18.10.2023 by S.I. 2023/1096, art. 2(e)

Waste (Wales) Measure 2010 (nawm 8)

- 17 (1) The Waste (Wales) Measure 2010 is amended as follows.
- (2) For the italic cross-heading before section 9 substitute— “ Disposal in a landfill or by incineration ”.
- (3) In section 11—
- (a) in subsection (1), after “9” insert “ or 9A ”;
 - (b) omit subsection (2).

Commencement Information

- I4** Sch. 2 para. 17 in force at 18.10.2023 by S.I. 2023/1096, art. 2(e)

PART 4

FLOOD AND COASTAL EROSION COMMITTEE

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 18 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, in paragraph 1, after sub-paragraph (i) insert—
- “(ia) the Flood and Coastal Erosion Committee established by section 26B of the Flood and Water Management Act 2010;”.

Commencement Information

- I5** Sch. 2 para. 18 in force at 14.7.2017 by S.I. 2017/714, art. 2

Local Government Act 1974 (c. 7)

- 19 In section 25(1)(d) of the Local Government Act 1974, omit “for an area wholly or partly in England”.

Commencement Information

- I6** Sch. 2 para. 19 in force at 14.7.2017 by S.I. 2017/714, art. 2

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Water Resources Act 1991 (c. 57)

- 20 (1) The Water Resources Act 1991 is amended as follows.
- (2) In section 118(7)—
- (a) before “means” insert—
- “—
- (a) in relation to the Agency,”;
- (b) after “2010” insert—
- “, and
- (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (3) In section 134(2), for “appropriate agency” substitute “ Agency ”.
- (4) In section 138(3), after “relevant chargeable land” insert “ (where that land is in England) or by the NRBW (where the relevant chargeable land is in Wales) ”.
- (5) In section 145, in the definition of “flood risk management region”—
- (a) before “means” insert—
- “—
- (a) in relation to the Agency,”;
- (b) after “2010” insert—
- “, and
- (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (6) In Schedule 26, in paragraph 7, in the definition of “the relevant Minister”, in paragraph (a)(ii), omit “the whole or the greater part of which is”.

Commencement Information

I7 Sch. 2 para. 20 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Land Drainage Act 1991 (c. 59)

- 21 In section 1(1)(a) of the Land Drainage Act 1991, after “2010” insert “ or within Wales (within the meaning of section 158 of the Government of Wales Act 2006) ”.

Commencement Information

I8 Sch. 2 para. 21 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Environment Act 1995 (c. 25)

- 22 In section 6 of the Environment Act 1995—
- (a) in subsection (5), omit “and the Natural Resources Body for Wales' flood defence functions shall extend to the territorial sea adjacent to Wales”;

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(b) after subsection (5) insert—

“(5A) The flood defence functions of the Natural Resources Body for Wales extend to the territorial sea adjacent to Wales.”

Commencement Information

I9 Sch. 2 para. 22 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Freedom of Information Act 2000 (c. 36)

23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000, after the entry for the Firearms Consultative Committee insert— “ Flood and Coastal Erosion Committee or Pwyllgor Llifogydd ac Erydu Arfordirol. ”

Commencement Information

I10 Sch. 2 para. 23 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Public Services Ombudsman (Wales) Act 2005 (c. 10)

24 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005, for “A Regional Flood and Coastal Committee for an area wholly or partly in Wales” substitute “ The Flood and Coastal Erosion Committee ”.

Commencement Information

I11 Sch. 2 para. 24 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Flood and Water Management Act 2010 (c. 29)

25 (1) The Flood and Water Management Act 2010 is amended as follows.

(2) In section 6, at the end insert—

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

(3) In section 17(4), after “section 23(3)” insert “ for the Agency ”.

(4) In the italic cross-heading before section 22, after “Committees” insert “ for regions in England ”.

(5) In section 22—

(a) in subsection (1)—

(i) for “appropriate agency” substitute “ Environment Agency ”;

(ii) omit “and Wales”;

(iii) omit the words from “that is wholly or mainly in England” to the end of the subsection;

(b) in subsection (2)—

(i) for “Minister” substitute “ Secretary of State ”;

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- (ii) for “appropriate agency” substitute “ Agency ”;
- (c) omit subsection (3).
- (6) In section 23—
 - (a) in subsection (1)—
 - (i) in the opening words, for “appropriate agency” substitute “ Environment Agency ”;
 - (ii) in paragraph (a), for “appropriate agency” substitute “ Agency ”;
 - (iii) in paragraph (b), for “appropriate agency's” substitute “Agency's”;
 - (b) in subsections (2) to (4), for “appropriate agency” substitute “ Agency ”.
- (7) In section 24, for “Minister” substitute “ Secretary of State ”.
- (8) In section 25—
 - (a) in subsection (1)—
 - (i) in the opening words, for “Minister may direct the appropriate agency” substitute “ Secretary of State may direct the Environment Agency ”;
 - (ii) in paragraph (d), for “Minister” substitute “ Secretary of State ”;
 - (b) in subsection (2), for “appropriate agency” substitute “ Agency ”;
 - (c) in subsection (3), for “Minister” substitute “ Secretary of State ”.
- (9) Omit sections 26 and 26A.
- (10) In section 49(3), omit paragraph (c).

Commencement Information

I12 Sch. 2 para. 25 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

Public Bodies Act 2011 (c. 24)

- 26 (1) The Public Bodies Act 2011 is amended as follows.
- (2) In section 13—
 - (a) in subsection (1)—
 - (i) at the end of paragraph (b), insert “ or ”;
 - (ii) omit paragraph (d) and the “or” before it;
 - (b) omit subsection (4);
 - (c) omit subsections (8) and (9).
 - (3) In section 36(1), in the definition of “cross-border operator”—
 - (a) at the end of paragraph (za), insert “ or ”;
 - (b) omit paragraph (b) and the “or” before it.

Commencement Information

I13 Sch. 2 para. 26 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

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Water Act 2014 (c. 21)

27 In Schedule 10 to the Water Act 2014, omit paragraph 18.

Commencement Information

I14 Sch. 2 para. 27 in force at 14.7.2017 by [S.I. 2017/714](#), [art. 2](#)

PART 5

BYELAWS

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

- 28 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 106(5), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.
- (3) In section 106A, in the heading and in subsection (1), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.

Countryside Act 1968 (c. 41)

29 In section 41(7A) of the Countryside Act 1968, for “Council” substitute “ NRBW ”.

Local Government Byelaws (Wales) Act 2012 (anaw 2)

- 30 (1) The Local Government Byelaws (Wales) Act 2012 is amended as follows.
- (2) In section 3(d), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.
- (3) In section 7(8)(b), for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”.
- (4) In section 8(8), in the opening words—
- (a) for “Countryside Council for Wales” substitute “ Natural Resources Body for Wales ”;
- (b) for “the Council” substitute “ the Body ”.
- (5) In Schedule 2, omit paragraph 11.

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