



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

CHAPTER III

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS RELATING TO THE NEW AGENCIES

Supplemental provisions

55 Continuity of exercise of functions: the new Agencies.

- (1) The abolition of—
 - (a) the National Rivers Authority,
 - (b) the London Waste Regulation Authority, or
 - (c) a river purification board,shall not affect the validity of anything done by that Authority or board before the transfer date.
- (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, any of the transferred functions 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, any of the transferred functions, shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the transferee.
- (4) Subsection (3) above applies in particular to—
 - (a) any decision, determination, declaration, designation, agreement or instrument made by a transferor;

Status: Point in time view as at 21/03/2000.

Changes to legislation: Environment Act 1995, Section 55 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) any regulations or byelaws made by a transferor;
 - (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a transferor;
 - (d) any notice, direction or certificate given by or to a transferor;
 - (e) any application, request, proposal or objection made by or to a transferor;
 - (f) any condition or requirement imposed by or on a transferor;
 - (g) any fee or charge paid by or to a transferor;
 - (h) any appeal allowed by or in favour of or against a transferor;
 - (j) any proceedings instituted by or against a transferor.
- (5) Any reference in the foregoing provisions of this section 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.
- (6) Any reference to a transferor in any document constituting or relating to anything to which the foregoing provisions of this section apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the transferee.
- (7) The foregoing provisions of this section—
- (a) are without prejudice to any provision made by this Act in relation to any particular functions; and
 - (b) shall not be construed as continuing in force any contract of employment made by a transferor;
- and the Secretary of State may, in relation to any particular functions, by order exclude, modify or supplement any of the foregoing provisions of this section or make such other transitional provisions as he thinks necessary or expedient.
- (8) Where, by virtue of any provision of Schedule 15 to this Act, the Minister is the transferor in the case of any functions, he shall have the same powers under subsection (7) above in relation to those functions as the Secretary of State.
- (9) The power to make an order under subsection (7) above shall be exercisable by statutory instrument; and any statutory instrument containing such an order shall be subject to annulment pursuant to a resolution of either House of Parliament.
- (10) In this section—
- “the transferee”, in the case of any transferred functions, means the new Agency whose functions they become by virtue of any provision made by or under this Act;
 - “transferred functions” means any functions which, by virtue of any provision made by or under this Act, become functions of a new Agency; and
 - “transferor” means any body or person any or all of whose functions become, by virtue of any provision made by or under this Act, functions of a new Agency.

Commencement Information

- II** S. 55 wholly in force at 1.4.1996; s. 55 not in force at Royal Assent see s. 125(3); s. 55(7)-(10) in force at 1.2.1996 by S.I. 1996/186, art 2; s. 55(1)-(6) in force at 1.4.1996 by S.I. 1996/186, art 3

Status:

Point in time view as at 21/03/2000.

Changes to legislation:

Environment Act 1995, Section 55 is up to date with all changes known to be in force on or before 22 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.