



Environment Act 1995

1995 CHAPTER 25

PART I

THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

[^{F1}CHAPTER 1A

GENERAL FUNCTIONS OF THE AGENCY AND THE NATURAL RESOURCES BODY FOR WALES]

6 General provisions with respect to water.

- (1) It shall be the duty of [^{F1}an appropriate agency], to such extent as it considers desirable, generally to promote—
- the conservation and enhancement of the natural beauty and amenity of inland and coastal waters and of land associated with such waters;
 - the conservation of flora and fauna which are dependent on an aquatic environment; and
 - the use of such waters and land for recreational purposes;
- and it shall be the duty of [^{F1}an appropriate agency], in determining what steps to take in performance of the duty imposed by virtue of paragraph (c) above, to take into account the needs of persons who are chronically sick or disabled. This subsection is without prejudice to the duties of the Agency under section 7 below.
- (2) It shall be the duty of the Agency to take all such action as it may from time to time consider, in accordance with any directions given under section 40 below, to be necessary or expedient for the purpose—
- of conserving, redistributing or otherwise augmenting water resources in England ^{F2}...; and
 - of securing the proper use of water resources in England ^{F2}... [^{F3}(including the efficient use of those resources)];

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Changes to legislation: Environment Act 1995, Section 6 is up to date with all changes known to be in force on or before 16 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)

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 ^{M1}Water Industry Act 1991 (general duty to maintain water supply system).

[^{F4}(2A) The Natural Resources Body for Wales must take all such action as it may from time to time consider, in accordance with any directions given under article 11 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903), to be necessary or expedient for the purpose—

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

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

- (3) The provisions of the 1991 Act relating to the functions of the Agency under Chapter II of Part II of that Act and the related water resources provisions so far as they relate to other functions of the Agency shall not apply to so much of any inland waters as—
 - (a) are part of the River Tweed;
 - (b) are part of the River Esk or River Sark at a point where either of the banks of the river is in Scotland; or
 - (c) are part of any tributary stream of the River Esk or the River Sark at a point where either of the banks of the tributary stream is in Scotland

[^{F5}except so much of those inland waters as are in England.]

[^{F6}(3A) Subsection (3) above shall apply to—

- (a) sections 3 and 4 of the Water Act 2003; and
- (b) such of the related water resources provisions as apply in relation to those sections by virtue of section 33(2) of the Water Act 2003,

as it applies to the provisions referred to in that subsection.]

[^{F7}(4) The Agency shall in relation to England and [^{F8}the Natural Resources Body for Wales shall in relation to] Wales exercise a general supervision over all matters relating to flood and coastal erosion risk management, in accordance with Part 1 of the Flood and Water Management Act 2010.]

- (5) The Agency's flood defence functions shall extend to the territorial sea adjacent to England ^{F9}... in so far as—

- (a) [^{F10}the region of any Regional Flood and Coastal Committee] includes any area of that territorial sea; or
- (b) section 165(2) or (3) of the 1991 Act (drainage works for the purpose of defence against sea water or tidal water, and works etc to secure an adequate outfall for a main river) provides for the exercise of any power in the territorial sea.

[^{F11}(5A) The flood defence functions of the Natural Resources Body for Wales extend to the territorial sea adjacent to Wales.]

- (6) It shall be the duty of [^{F12}an appropriate agency] to maintain, improve and develop [^{F13}fisheries of—

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- (a) salmon, trout, eels, lampreys, smelt and freshwater fish, and
- (b) fish of such other description as may be specified for the purposes of this subsection by order under section 40A of the Salmon and Freshwater Fisheries Act 1975.]
- (7) The area in respect of which the Agency shall carry out its functions relating to fisheries shall be the whole of England^{F14} ..., together with—
- (a) such part of the territorial sea adjacent to England^{F14} ... as extends for six miles from the baselines from which the breadth of that sea is measured,
- (b) in the case of—
- ^{F15}(i)
- (ii) the ^{M2}Salmon and Freshwater Fisheries Act 1975,
- (iii) Part V of the 1991 Act (general control of fisheries), and
- (iv) subsection (6) above,
- so much of the River Esk, with its banks and tributary streams up to their source, as is situated in Scotland, and
- (c) in the case of sections 31 to 34 and 36(2) of the ^{M3}Salmon and Freshwater Fisheries Act 1975 as applied by section 39(1B) of that Act, so much of the catchment area of the River Esk as is situated in Scotland,
- but, in the case of the enactments specified in paragraph (b) above, excluding the River Tweed.
- [^{F16}(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.]
- (8) In this section—
- “miles” means international nautical miles of 1,852 metres;
- “the related water resources provisions” has the same meaning as it has in the 1991 Act;
- [^{F17}“the River Esk” means that River as defined by section 111(4) of the Scotland Act 1998 or as such definition as may be modified by an order under section 111(1) of that Act;]
- “the River Tweed” means “the river” within the meaning of the ^{M4}Tweed Fisheries Amendment Act 1859 as amended by byelaws.
- [^{F18}“salmon”, “trout”, “eels”, “smelt”, “fish” and “freshwater fish” have the same meanings as in the Salmon and Freshwater Fisheries Act 1975].
- [^{F19}(9) 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.]

Textual Amendments

- F1** Words in s. 6(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 365(2)** (with Sch. 7)
- F2** Words in s. 6(2) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 365(3)** (with Sch. 7)

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- F3** Words in s. 6(2)(b) inserted (E.W.) (1.4.2004) by Water Act 2003 (c. 37), **ss. 72**, 105(3); S.I. 2004/641, art. 3(s) (with Sch. 3 para. 7)
- F4** S. 6(2A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(4)** (with Sch. 7)
- F5** Words in s. 6(3) inserted (1.1.2018) by Water Act 2003 (c. 37), **ss. 73**, 105(3); S.I. 2017/1043, art. 2(e)
- F6** S. 6(3A) inserted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), **Sch. 7 para. 15(2)**; S.I. 2006/984, art. 2(s)(i)
- F7** S. 6(4) substituted (E.W.) (1.4.2011) by Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 52** (with s. 49(1)(6)); S.I. 2011/694, art. 3(i)
- F8** Words in s. 6(4) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(5)** (with Sch. 7)
- F9** Words in s. 6(5) omitted (E.W.) (14.7.2017) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(3)(c), **Sch. 2 para. 22(a)**; S.I. 2017/714, art. 2
- F10** Words in s. 6(5)(a) substituted (14.7.2014) by Water Act 2014 (c. 21), s. 94(2)(r), **Sch. 10 para. 16**
- F11** S. 6(5A) inserted (E.W.) (14.7.2017) by Environment (Wales) Act 2016 (anaw 3), s. 88(3)(c), **Sch. 2 para. 22(b)**; S.I. 2017/714, art. 2
- F12** Words in s. 6(6) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(7)** (with Sch. 7)
- F13** Words in s. 6(6) substituted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 230(2)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F14** Words in s. 6(7) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(8)** (with Sch. 7)
- F15** S. 6(7)(b)(i) omitted (E.W.) (27.3.2009) by virtue of The Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463), reg. 1(2), **Sch. 2 para. 9(b)** (with reg. 2(2)) and s. 6(7)(b)(i) omitted (S.) (27.3.2009) by virtue of The Aquatic Animal Health (Scotland) Regulations 2009 (S.S.I. 2009/85), reg. 1(2)(c), **sch. 2 para. 9(b)** (with reg. 2.)
- F16** S. 6(7A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(9)** (with Sch. 7)
- F17** S. 6: definition of “the River Esk” inserted (30.6.1999) by S.I. 1999/1746, **arts. 1(1)**, 5(3); S.I. 1998/3178, **art. 3**
- F18** Words in s. 6(8) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 230(3)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 14
- F19** S. 6(9) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 365(10)** (with Sch. 7)

Marginal Citations

- M1** 1991 c. 56.
M2 1975 c. 51.
M3 1975 c. 51.
M4 1859 c. lxx.

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