

**Status:** Point in time view as at 24/01/2022. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Environment Act 2021, PART 3. (See end of Document for details)

## SCHEDULES

VALID FROM 30/09/2022

### SCHEDULE 19 **E+W**

#### APPLICATION OF PART 7 TO CROWN LAND

#### **PART 3** **E+W**

##### OTHER MODIFICATIONS OF PART 7

*Cases where estate in land to which conservation covenant relates has been acquired by the Crown and is held by person other than the appropriate authority*

- 13 (1) Paragraphs 14 to 17 apply where the estate in land by virtue of which a person is a successor of the landowner under a conservation covenant is held by or on behalf of the Crown by a person other than the appropriate authority.
- (2) In sub-paragraph (1) “successor” (in relation to the landowner under the covenant) means a person who holds, in respect of any of the land to which any obligation under the covenant relates—
- (a) the qualifying estate, or
  - (b) an estate in land derived (whether immediately or otherwise) from the qualifying estate after the creation of the covenant.

#### **Commencement Information**

**I1** Sch. 19 para. 13 not in force at Royal Assent, see [s. 147\(3\)](#)

- 14 In section 122—
- (a) subsections (2)(b), (3) and (4) have effect as if the estate in land were held by the appropriate authority, and
  - (b) subsection (5)(c) has effect, in relation to a disposal of the estate in land, as if the successor’s immediate predecessor were the appropriate authority.

#### **Commencement Information**

**I2** Sch. 19 para. 14 not in force at Royal Assent, see [s. 147\(3\)](#)

- 15 In section 123—
- (a) subsections (1)(b), (2) and (4) have effect as if the estate in land were held by the appropriate authority, and

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- (b) subsection (4) has effect as if the reference to the successor were a reference to the appropriate authority.

**Commencement Information**

**I3** Sch. 19 para. 15 not in force at Royal Assent, see [s. 147\(3\)](#)

- 16 (1) In section 129(4)(b) and (5) references to a successor of a person bound by the modification (where the person bound is the appropriate authority) are to be read as references to a successor of the person in whose place the appropriate authority acts.
- (2) In section 129(4)(b) and (5) references to a successor of a person bound by the modification (where the person bound is not the appropriate authority) are to be read as if the estate in any of the land to which the modification relates which is held by the person in whose place the appropriate authority acts were held by the appropriate authority.

**Commencement Information**

**I4** Sch. 19 para. 16 not in force at Royal Assent, see [s. 147\(3\)](#)

- 17 In Schedule 18—
- (a) the reference in paragraph 6(1) to a person bound by an obligation under a conservation covenant by virtue of holding an estate in land is to be read as a reference to the appropriate authority;
- (b) the reference in paragraph 7(2) to any person who is bound by or entitled to the benefit of an obligation by virtue of holding an estate in land is to be read as a reference to the appropriate authority;
- (c) the references in paragraph 12(1)(b) and (2) to a successor of a person bound by the modification (where the person bound is the appropriate authority) are to be read as references to a successor of the person in whose place the appropriate authority is acting.

**Commencement Information**

**I5** Sch. 19 para. 17 not in force at Royal Assent, see [s. 147\(3\)](#)

**Commencement Information**

- I1** Sch. 19 para. 13 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I2** Sch. 19 para. 14 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I3** Sch. 19 para. 15 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I4** Sch. 19 para. 16 not in force at Royal Assent, see [s. 147\(3\)](#)  
**I5** Sch. 19 para. 17 not in force at Royal Assent, see [s. 147\(3\)](#)

*Agreements under section 127(1) and (3)*

- 18 (1) This paragraph applies where, in respect of any of the land to which an obligation of the landowner under a conservation covenant relates, the qualifying estate is held by or on behalf of the Crown by a person other than the appropriate authority.

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- (2) The appropriate authority may enter into an agreement under section 127(1) or (3) in place of the holder of that estate.
- (3) An agreement entered into by virtue of sub-paragraph (2) is to be treated for the purposes of section 127(4)(c) as entered into by virtue of the estate in land held by the person in whose place the appropriate authority enters into the agreement.

#### Commencement Information

**I6** Sch. 19 para. 18 not in force at Royal Assent, see [s. 147\(3\)](#)

#### Agreements under section 128(1)

- 19
- (1) This paragraph applies if the responsible body under a conservation covenant enters into an agreement under section 128(1) in relation to an obligation which it owes to the other party to the agreement by virtue of paragraph [10\(2\)\(a\)](#) or [15\(a\)](#).
  - (2) If the other party is entitled to the benefit of the obligation by virtue of paragraph [10\(2\)\(a\)](#), the reference in section 128(2)(c) to the estate in land by virtue of which the power is exercisable is to be read as a reference to the estate in land held by the person in whose place the other party acted in entering into the agreement which gave rise to the obligation.
  - (3) If the other party is entitled to the benefit of the obligation by virtue of paragraph [15\(a\)](#), the reference in section 128(2)(c) to the estate in land by virtue of which the power is exercisable is to be read as a reference to the estate in land which the other party is treated by paragraph [15\(a\)](#) as holding.

#### Commencement Information

**I7** Sch. 19 para. 19 not in force at Royal Assent, see [s. 147\(3\)](#)

#### Agreements under section 129(1)

- 20
- (1) Sub-paragraph (2) applies where a person who—
    - (a) is bound by an obligation of the landowner under the covenant by virtue of paragraph [9\(2\)\(a\)](#), or
    - (b) is entitled to the benefit of the obligation of the responsible body under a conservation covenant by virtue of paragraph [10\(2\)\(a\)](#),exercises the power under section 129(1) to modify the obligation.
  - (2) The reference in section 129(3)(c) to the estate in land by virtue of which the power is exercisable is to be read as a reference to the estate in land held by the person in whose place the person exercising that power acted in entering into the agreement which gave rise to the obligation.

#### Commencement Information

**I8** Sch. 19 para. 20 not in force at Royal Assent, see [s. 147\(3\)](#)

- 21
- (1) Sub-paragraph (2) applies where a person who—

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- (a) is bound by an obligation of the landowner under a conservation covenant by virtue of paragraph 14(a), or
  - (b) is entitled to the benefit of an obligation of the responsible body under a conservation covenant by virtue of paragraph 15(a),
- exercises the power in section 129(1) to modify the obligation.

- (2) The reference in section 129(3)(c) to the estate in land by virtue of which the power is exercisable is to be read as a reference to the estate in land which the person is treated by paragraph 14(a) or 15(a) as holding.

**Commencement Information**

**19** Sch. 19 para. 21 not in force at Royal Assent, see [s. 147\(3\)](#)

**Commencement Information**

**18** Sch. 19 para. 20 not in force at Royal Assent, see [s. 147\(3\)](#)

**19** Sch. 19 para. 21 not in force at Royal Assent, see [s. 147\(3\)](#)

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