
STATUTORY INSTRUMENTS

1996 No. 2560 (C. 71)

COUNTRYSIDE

**The Environment Act (Commencement
No. 6 and Repeal Provisions) Order 1996**

Made - - - - 7th October 1996

The Secretary of State, in exercise of the powers conferred by section 125(3) and (4) of the Environment Act 1995(1), hereby makes the following Order:

Citation

1. This Order may be cited as the Environment Act (Commencement No. 6 and Repeal Provisions) Order 1996.

Provisions coming into force on 1st April 1997

2. The following provisions of the Environment Act 1995 shall come into force on 1st April 1997—

section 78 insofar as it relates to paragraphs 10(2)(b), 22(2), (4)(c), (6) and (7), 27, 32(14) and 33(6) to (8), 35 (insofar as that paragraph is not already in force), and 38(2) of Schedule 10;
section 120(3) insofar as it relates to the repeal of the enactments mentioned in Schedule 24 to the Environment Act 1995 (to the extent specified in the third column of that Schedule) and listed in column (1) of the Schedule to this Order, insofar as those repeals are not already in force, subject to the exceptions indicated in column (2); and
paragraph 7(2) of Schedule 7.

Revocation

3. The following provisions of article 3 (provisions coming into force on 1st April 1996) of the Environment Act 1995 (Commencement No. 4 and Saving Provisions) Order 1995(2) are revoked with effect from 1st April 1997—

in paragraph (1), the words “—(1) Subject to paragraph (2),”; and
paragraph (2).

(1) 1995 c. 25.
(2) S.I. 1995/2950 (C.65).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for the Environment

7th October 1996

David Curry
Minister of State
Department of the Environment

SCHEDULE

Article 2

REPEALS

| (1) Enactment | (2) Exception from repeal |
|--|---|
| National Parks and Access to the Countryside Act 1949 (c. 97) | |
| Caravan Sites and Control of Development Act 1960 (c. 62) | |
| Agriculture Act 1967 (c. 41) | |
| Countryside Act 1968 (c. 41) | |
| Local Government Act 1972 (c. 70)(3) | |
| Local Government Act 1974 (c. 7) | |
| Welsh Development Agency Act 1975 (c. 70) | |
| Race Relations Act 1976 (c. 74) | |
| Local Government, Planning and Land Act 1980 (c. 65) | The repeals relating to section 103(2)(c) and paragraph 9(2) and (3) of Schedule 2. |
| Highways Act 1980 (c. 66) | |
| Acquisition of Land Act 1981 (c. 67) | |
| Wildlife and Countryside Act 1981 (c. 69) | |
| Local Government (Miscellaneous Provisions) Act 1982 (c. 30) | |
| Derelict Land Act 1982 (c. 42) | |
| Litter Act 1983 (c. 35) | |
| Local Government Act 1985 (c. 51) | |
| Housing Act 1985 (c. 68) | |
| Norfolk and Suffolk Broads Act 1988 (c. 4) | |
| Local Government Act 1988 (c. 9) | |
| Local Government Finance Act 1988 (c. 41) | |
| Electricity Act 1989 (c. 29) | |
| Local Government and Housing Act 1989 (c. 42) | The repeal relating to the word “and” in section 21(1). |
| Town and Country Planning Act 1990 (c. 8)(4) | |
| Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) | |

(3) The repeal relating to section 223(2) was brought into force on 1st April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996 (S.I. 1996/186 (C.3)).

(4) The repeal relating to section 105 was brought into force on 1st November 1995 by the Environment Act 1995 (Commencement No. 3) Order 1995 (S.I. 1995/2765 (C.56)).

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| (1) Enactment | (2) Exception from repeal |
|---|--|
| Planning (Hazardous Substances) Act 1990 (c. 10) | |
| Planning (Consequential Provisions) Act 1990 (c. 11) | |
| Environmental Protection Act 1990 (c. 43)(5) | The repeals relating to sections 33(1), 54, 61, 75(3) and 143. |
| Planning and Compensation Act 1991 (c. 4) | |
| Water Industry Act 1991 (c. 56)(6) | |
| Water Resources Act 1991 (c. 57)(7) | The repeal relating to section 190(1). |
| Land Drainage Act 1991 (c. 59)(8) | |
| Local Government Finance Act 1992 (c. 14) | The repeal relating to paragraph 95 of Schedule 13. |
| Local Government (Overseas Assistance) Act 1993 (c. 25) | |
| Local Government (Wales) Act 1994 (c. 19)(9) | The repeals relating to paragraph 17(12) of Schedule 9 and paragraph 65(5) of Schedule 16. |
| Environment Act 1995 (c. 25) | The repeals relating to Schedule 22. |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is connected with the establishment in Wales, on 23rd November 1995, by virtue of the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803), and in England, on 1st October 1996, by virtue of the National Park Authorities (England) Order 1996 (S.I. 1996/1243), of new National Park authorities under Part III of the Environment Act 1995 (“the 1995 Act”). Each new

(5) The repeals in Schedule 24, with the exception of those relating to sections 33(1), 36(11) and (12), 39(12) and (13), 54, 61, 75(3), 88 and 143 and Schedule 8, were brought into force on 1st April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996 (S.I. 1996/186 (C.3)).

(6) The repeals in Schedule 24, with the exception of those relating to section 4(6), were brought into force on 1st April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996.

(7) The repeals relating to sections 68, 69(5), 126(6) and 124 were brought into force on 21st September 1995 by the Environment Act 1995 (Commencement No. 1) Order 1995 (S.I. 1995/1983 (C.40)). The repeals relating to sections 1 to 14, 16 to 19, 58, 105(1), 113(1), 114, 117, 121 to 124, 131, 132, 144, 146, 150 to 153, 187, 196, 202(5), 206(2), 209(1), (2) and (4), 213 to 215, 218, words in section 219(2), section 219(3), definitions in section 221(1) and Schedules 1, 3 and 4 were brought into force on 1st April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996.

(8) The repeal relating to section 72(1) was brought into force on 1st April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996.

(9) The repeals relating to paragraph 17(4) of Schedule 9 and paragraph 3(1) and (2) of Schedule 11 were brought into force on 1 April 1996 by the Environment Act 1995 (Commencement No. 5) Order 1996.

Welsh National Park Authority became the sole local planning authority for the area of its Park on 1st April 1996. Each new English National Park Authority becomes, with certain exceptions, the sole local planning authority for the area of its Park on 1st April 1997.

Article 2 of this Order brings into force on 1st April 1997 the following provisions of the 1995 Act—

section 78 (minor and consequential amendments relating to National Parks) insofar as it relates to paragraphs 10(2)(b), 22(2), (4)(c), (6) and (7), 27, 32(14) and 33(6) to (8), 35 (insofar as that paragraph is not already in force), and 38(2) of Schedule 10;

section 120(3) insofar as it relates to the repeal of the enactments mentioned in Schedule 24 to the 1995 Act (to the extent specified in the third column of that Schedule) and listed in column (1) of the Schedule to this Order, insofar as those repeals are not already in force, subject to the exceptions indicated in column (2); and

paragraph 7(2) of Schedule 7.

As regards the paragraphs of Schedule 10 which come into force on 1st April 1997—

paragraph 10(2)(b) amends section 184(1)(b) (functions under countryside legislation) of the Local Government Act 1972;

paragraph 22(2), (4)(c) and (6) amends section 41(5A) (duties of agriculture Ministers with respect to the countryside to have effect in relation to the Broads as if the Broads were a National Park), section 44(4) (grants and loans for National Parks purposes) and section 52(2) (construction of references to a local planning authority) of the Wildlife and Countryside Act 1981;

paragraph 22(7), which repeals paragraph 22(1), is linked to the repeal (also by this Order) of section 39(5)(a) of the Wildlife and Countryside Act 1981. (See also section 125(3) of the 1995 Act.)

paragraph 27 amends paragraph 43 of Schedule 3 (functions of the Broads Authority) to the Norfolk and Suffolk Broads Act 1988;

paragraph 32(14) amends Schedule 1 (distribution of planning functions) to the Town and Country Planning Act 1990;

paragraph 33(6) to (8) amends paragraphs 2, 3 and 4 of Schedule 4 (provision as to exercise of functions by different authorities) to the Planning (Listed Buildings and Conservation Areas) Act 1990;

paragraph 35 amends section 35 (definition of “special items”) of the Local Government Finance Act 1992 (a relevant amendment was made by the Local Government (Wales) Act 1994 (c. 14), Schedule 12, paragraph 6), and is of relevance only to Wales; and

paragraph 38(2) amends paragraph 2 of Schedule 6 (minor and consequential amendments relating to planning) to the Local Government (Wales) Act 1994.

Paragraph 7(2) of Schedule 7 to the 1995 Act disqualifies a person from membership of a National Park authority if he holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of that authority.

The repeals in Schedule 24 to the 1995 Act brought into force by this Order are consequential on the establishment of, and exercise of functions by, the new National Park authorities.

Article 3 of the Order revokes, with effect from 1st April 1997, article 3(2) of the Environment Act 1995 (Commencement No. 4 and Saving Provisions) Order 1995 (“the 1995 Order”), which made a saving for sections 42 and 51(2)(c) of the Wildlife and Countryside Act 1981 on the commencement of paragraph 22(3) and (5) of Schedule 10 to the 1995 Act. The saving will not be required after 31st March 1997. A consequential amendment is made to article 3(1) of the 1995 Order.

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NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Environment Act 1995 are brought into force by Commencement Orders made before the date of this Order:

| Provision | Date of Commencement | S.I. No. |
|------------------------|---------------------------------------|------------------------|
| Section 1 | 28.07.1995 | 1995/1983 |
| Section 2 | 01.04.1996 | 1996/186 |
| Section 3(1) | 01.04.1996 | 1996/186 |
| Section 3(2) to (8) | 28.07.1995 | 1995/1983 |
| Section 4 | 28.07.1995 | 1995/1983 |
| Section 5 | 01.02.1996 and 01.04.1996 | 1996/186 |
| Section 6 | 01.04.1996 | 1996/186 |
| Section 7 | 28.07.1995 | 1995/1983 |
| Section 8 | 01.04.1996 | 1996/186 |
| Section 9 | 28.07.1995 | 1995/1983 |
| Sections 10 and 11 | 01.04.1996 | 1996/186 |
| Section 12 | 28.07.1995 | 1995/1983 |
| Sections 13 to 19 | 01.04.1996 | 1996/186 |
| Sections 20 to 23 | 12.10.1995 | 1995/2649 |
| Sections 25 to 29 | 01.04.1996 | 1996/186 |
| Sections 30 to 32 | 12.10.1995 | 1995/2649 |
| Sections 33 to 35 | 01.04.1996 | 1996/186 |
| Section 36 | 12.10.1995 | 1995/2649 |
| Section 37 | 28.07.1995 and 01.04.1996 | 1995/1983 and 1996/186 |
| Sections 38 to 40 | 28.07.1995 | 1995/1983 |
| Section 41 | 21.09.1995, 01.02.1996 and 01.04.1996 | 1995/1983 and 1996/186 |
| Section 42 | 21.09.1995 | 1995/1983 |
| Sections 43 to 52 | 28.07.1995 | 1995/1983 |
| Sections 53 and 54 | 01.04.1996 | 1996/186 |
| Section 55 | 01.02.1996 and 01.04.1996 | 1996/186 |
| Section 56 | 28.07.1995 | 1995/1983 |
| Section 57 (partially) | 21.09.1995 | 1995/1983 |
| Section 58 (partially) | 21.09.1995 | 1995/1983 |
| Section 59 (partially) | 12.10.1995 | 1995/2649 |

| Provision | Date of Commencement | S.I. No. |
|---|-----------------------------|-----------------|
| Section 78 (partially) and paragraphs 1, 2(1), 2(3) to (8), 2(9)(a), (c) and (d), 3 to 7, 8(2), 9, 10(1) and (3), 11, 12, 14, 15, 17 to 19, 21, 23 to 26, 28 to 31, 32(1) to (13) and (15) to (18), 33(1) to (5), 34, 35 (partially), 36, 37 and 38(1) of Schedule 10, with savings | 23.11.1995 | 1995/2950 |
| Section 78 (partially) and paragraphs 2(2) and (9)(b), 8(1) and (3), 13, 16, 20 and 22(3), (4)(a) and (b) and (5) of Schedule 10, with savings | 01.04.1996 | 1995/2950 |
| Section 80 | 01.02.1996 | 1996/186 |
| Section 81 | 01.04.1996 | 1996/186 |
| Sections 87 to 89 | 01.02.1996 | 1996/186 |
| Section 90 (partially) and paragraphs 2, 3 and 5 of Schedule 11 | 01.02.1996 | 1996/186 |
| Section 91 | 01.02.1996 | 1996/186 |
| Section 92 | 01.04.1996 | 1996/186 |
| Sections 93 to 95 | 21.09.1995 | 1995/1983 |
| Section 96(1) and (4) to (6) (partially) | 01.11.1995 | 1995/2765 |
| Section 96(2) | 01.11.1995 | 1995/2765 |
| Sections 97 to 103 | 21.09.1995 | 1995/1983 |
| Section 104 | 01.04.1996 | 1996/186 |
| Section 105 (partially) and paragraphs 25 and 26(1) of Schedule 15 | 21.09.1995 | 1995/1983 |
| Section 105 (partially) and paragraphs 3 and 5(1) of Schedule 15 | 01.02.1996 | 1996/186 |
| Section 105 (partially) and paragraphs 1, 2, 4, 5(2) and (3), 6 to 12, 14(2) and (3), 15, 16, 18, 19 and 21 to 24 of Schedule 15 | 01.04.1996 | 1996/186 |
| Section 105 (partially) and paragraphs 13, 14(1) and (4), 17, 20 and 26(2) of Schedule 15 | 01.01.1999 | 1995/1983 |

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| Provision | Date of Commencement | S.I. No. |
|--|-----------------------------|------------------------|
| Sections 106 to 114 | 01.04.1996 | 1996/186 |
| Section 115 | 01.04.1996 | 1995/2950 and 1996/186 |
| Section 116 (partially) and paragraph 2(1) to (3) of Schedule 21 | 21.09.1995 | 1995/1983 |
| Section 117 | 01.04.1996 | 1996/186 |
| Section 118(1) to (3), (4) and (5) (partially) and (6) | 01.04.1996 | 1996/186 |
| Section 119 | 01.04.1996 | 1996/186 |
| Section 120(1) (partially) and paragraphs 4, 31, 42, 213(1), (2)(b) and (3) and 223(1)(c) of Schedule 22 | 28.07.1995 | 1995/1983 |
| Section 120(1) (partially) and paragraphs 15, 29(1) and (22) (partially), 51(1) to (3) and (5) and 53 of Schedule 22 | 12.10.1995 | 1995/2649 |
| Section 120(1) (partially) and paragraphs 37(1) and (4), 38, 39, 76(1) and (3), 80(1) and (2), 82(1) and (5) (partially), 133(1), 137 to 139, 147, 153, 162 (partially), 182, 187(1) and 192 of Schedule 22 | 21.09.1995 | 1995/1983 |
| Section 120(1) (partially) and paragraphs 2, 13, 36, 37(2)(b), 43, 44, 102, 103 (partially), and 232(1) of Schedule 22 | 01.02.1996 | 1996/186 |
| Section 120(1) (partially) and paragraphs 1, 3, 5 to 12, 14, 17 to 27(a), 28, 29(2) to (20), 21(a)(ii), (23) to (25) and (27) to (35), 30, 32 to 35, 37(3) and (5) to (8), 40, 41, 45, 46(1) to (4) and (6) to (11), 47 to 50, 51(4), 52, 54 to 66, 68(1), (2) (partially), (3), (4), and (6), 70(1) and (2), 72(2) (partially), and (3) to (6), 74 (partially), 75, 76(2), (4) to (7) and (8) (b), 77, 78, 80(3), 82 (so far as not already in force), 83 to 87, 90, 93, 94, 96 to 101, 103 (so far as not already in force), 104 to 132, 133(2), 134, 136, 140, 141, 144 to 146, 148 to 152, | 01.04.1996 | 1996/186 |

| Provision | Date of Commencement | S.I. No. |
|--|-----------------------------|---------------------------|
| 154 to 160, 164 to 168, 171 to 181, 184, 185, 187(2), 188 to 191, 193 to 212, 213(2) (a), (4) and (5), 214 to 222, 223(1) (a) and (b) and (2), 224 to 231, 232(2) and 233 of Schedule 22 | | |
| Section 120(2) (partially) and paragraphs 1 to 6, 8 to 10, 12, 13, 14(1) to (4), (7) and (8) (partially) and 16 to 24 of Schedule 23 | 01.04.1996 | 1996/186 |
| Section 120(2) (partially) and paragraph 14(5), (6) and (8) (partially) of Schedule 23 | 01.01.1999 | 1995/1983 |
| Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 68, 69(5), 126(6) and 129(4) of the Water Resources Act 1991 | 21.09.1995 | 1995/1983 |
| Section 120(3) (partially) and the repeal in Schedule 24 relating to section 105 of the Town and Country Planning Act 1990 | 01.11.1995 | 1995/2765 |
| Section 120(3) (partially) and the repeal in Schedule 24 relating to the Local Government etc. (Scotland) Act 1994, except section 165(6) | 01.02.1996 | 1996/186 |
| Section 120(3) (partially) and the repeals in Schedule 24 relating to the Public Health (Scotland) Act 1897, the Alkali, &c, Works Regulation Act 1906, the Rivers (Prevention of Pollution) (Scotland) Act 1951, section 151(5) of the Mines and Quarries Act 1954, section 10(6)(a) of the Rivers (Prevention of Pollution) (Scotland) Act 1965, section 3(3)(b) of the Nuclear Installations Act 1965, the Parliamentary Commissioner Act 1967, the Sewerage (Scotland) Act 1968, section 1(1)(g) | 01.04.1996 | 1996/186 |

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|--|----------------------|----------|
| <p>of the Hovercraft Act 1968, the Agriculture Act 1970, section 223(2) of the Local Government Act 1972, the Clyde River Purification Act 1972, the Local Government (Scotland) Act 1973, section 28 of the Health and Safety at Work etc. Act 1974, the Control of Pollution Act 1974 (except that relating to section 30(1)), paragraph 1 of Schedule 2 to the Clean Air Enactments (Repeals and Modifications) Regulations 1974, Schedule 1 to the House of Commons Disqualification Act 1975, Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, the Local Government (Scotland) Act 1975, sections 5(2), 10 and 15 of the Salmon and Freshwater Fisheries Act 1975, the Water (Scotland) Act 1980, paragraph 17(3) of Schedule 9 to the Roads (Scotland) Act 1984, regulations 2 and 4 of the Control of Industrial Air Pollution (Transfer of Powers of Enforcement) Regulations 1987, sections 7(2) and (8) and 11(3) of the Control of Pollution (Amendment) Act 1989, the Water Act 1989, the Environmental Protection Act 1990 (except those relating to sections 33(1), 36(11) and (12), 39(12) and (13), 54, 61, 75(3), 88, 143 and Schedule 8), the Natural Heritage (Scotland) Act 1991, the Water Industry Act 1991 (except those relating to section 4(6)), sections 1 to 14, 16 to 19, 58, 105(1), 114, 117, 121 to 124, 131, 132, 144, 146, 150 to 153, 187, 196, 202(5), 209(1), (2) and (4), 213 to 215, 218, the words “Subject to subsection (3) below,” in section 219(2), section 219(3),</p> | | |

| Provision | Date of Commencement | S.I. No. |
|---|-----------------------------|-----------------|
| the definitions of “the Authority” and “constituent council” in section 221(1) and Schedules 1, 3 and 4 of the Water Resources Act 1991, the Land Drainage Act 1991, the Water Consolidation (Consequential Provisions) Act 1991, the Clean Air Act 1993, the Radioactive Substances Act 1993, the Noise and Statutory Nuisance Act 1993, paragraph 17(4) of Schedule 9 and paragraph 3(1) and (2) of Schedule 11 to the Local Government (Wales) Act 1994, and the words “a river purification board” in section 165(6) of the Local Government etc. (Scotland) Act 1994 | | |
| Section 120(3) (partially) and the repeals in Schedule 24 relating to sections 30 and 41(1) of the Salmon and Freshwater Fisheries Act 1975 | 01.01.1999 | 1995/1983 |
| Section 120(4) to (6) | 28.07.1995 | 1995/1983 |
| Sections 121 to 124 | 28.07.1995 | 1995/1983 |
| Schedules 13 and 14 (so far as they apply in relation to England and Wales). | 01.11.1995 | 1995/2765 |