



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VII

#### NATURE CONSERVATION IN GREAT BRITAIN AND COUNTRYSIDE MATTERS IN WALES

##### *Nature conservation in Great Britain*

#### **131 Nature conservation functions: preliminary.**

- (1) For the purposes of nature conservation, and fostering the understanding thereof, the Councils shall, in place of the Nature Conservancy Council established under the <sup>M1</sup>Nature Conservancy Council Act 1973, have the functions conferred on them by sections 132 to 134 below (which are in this Part referred to as “nature conservation functions”).
- (2) It shall be the duty of the Councils in discharging their nature conservation functions to take appropriate account of actual or possible ecological changes.
- (3) The Councils shall discharge their nature conservation functions on and after a day to be appointed by an order made by the Secretary of State.
- (4) The Secretary of State may give the Councils, or any of them, directions of a general or specific character with regard to the discharge of any of their nature conservation functions other than those conferred on them by section 132(1)(a) below.
- (5) Any reference in this section to the Councils includes a reference to the joint committee and, accordingly, directions under subsection (4) above may be given to the joint committee as respects any of the functions dischargeable by them (other than under section 133(2)(a)).
- (6) In this Part “nature conservation” means the conservation of flora, fauna or geological or physiographical features.

*Status: Point in time view as at 23/12/1997.*

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#### Subordinate Legislation Made

**P1** [S. 131\(3\)](#): [S. 130\(4\)](#)(with ss. [131\(3\)](#) and [164\(3\)](#)) power exercised: 1.4.1991 appointed by [S.I. 1991/685](#), [art. 4](#)

#### Modifications etc. (not altering text)

**C1** [S. 131](#): extension to Scotland continued (1.4.1992) (S.) by [Natural Heritage \(Scotland\) Act 1991](#) (c. 28, [SIF 46:1](#)), [s. 4\(3\)](#); [S.I. 1991/2633](#), [art. 4](#)

#### Commencement Information

**I1** Appointed day for specified provisions is 1.4.1991 see [S.I.1991/685](#), [art. 4\(2\)](#)

#### Marginal Citations

**M1** [1973 c. 54](#).

### 132 General functions of the Councils.

- (1) The Councils shall each have the following functions, namely—
- (a) such of the functions previously discharged by the Nature Conservancy Council under the Acts amended by Schedule 9 to this Act as are assigned to them in accordance with the amendments effected by that Schedule;
  - (b) the establishment, maintenance and management of nature reserves (within the meaning of section 15 of the National Parks and Access to the <sup>M2</sup>Countryside Act 1949) in their area;
  - (c) the provision of advice for the Secretary of State or any other Minister on the development and implementation of policies for or affecting nature conservation in their area;
  - (d) the provision of advice and the dissemination of knowledge to any persons about nature conservation in their area or about matters arising from the discharge of their functions under this section or section 134 below;
  - (e) the commissioning or support (whether by financial means or otherwise) of research which in their opinion is relevant to any of their functions under this section or section 134 below;

and the Councils shall, in discharging their functions under this section, have regard to any advice given to them by the joint committee under section 133(3) below.

- (2) The Councils shall each have power—
- (a) to accept any gift or contribution made to them for the purposes of any of the functions conferred on them by subsection (1) above or section 134 below and, subject to the terms of the gift or contribution, to apply it to those purposes;
  - (b) to initiate and carry out such research directly related to those functions as it is appropriate that they should carry out instead of commissioning or supporting other persons under paragraph (e) of that subsection;

and they may do all such other things as are incidental or conducive to those functions including (without prejudice to the generality of this provision) making charges and holding land or any interest in or right over land.

- (3) Nothing in this section [<sup>F1</sup>or in the Natural Heritage (Scotland) Act 1991 (in so far as it relates to the nature conservation functions of Scottish Natural Heritage)] shall be taken as preventing any of the Councils—

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- (a) if consulted by another of the Councils about a matter relating to the functions of that other Council, from giving that other Council any advice or information which they are able to give; or
- (b) from giving advice or information to the joint committee about any matter relating to any of the functions conferred by section 133(2) and (3) below.

#### Textual Amendments

- F1** Words in s. 132(3) inserted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 4(10), **Sch. 2 para. 10(5)**; S.I. 1991/2633, **art. 4**

#### Modifications etc. (not altering text)

- C2** S. 132 extended (E.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196), **reg. 6(4)** (as amended (30.4.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918), reg. 2(d)) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, reg. 10)  
S. 132 extended (W.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280), **reg. 6(5)** (as substituted (1.11.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006 (S.I. 2006/2831), reg. 2(5))  
S. 132 extended (E.) (12.1.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005 (S.I. 2005/3459), **reg. 6(5)**
- C3** S. 132(2) modified (E.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196), **reg. 6(4)** (as amended (30.4.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918), reg. 2(d)) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, reg. 10)
- C4** S. 132(2) modified (W.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280), **reg. 6(5)**
- C5** S. 132(2) modified (E.) (12.1.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2006 (S.I. 2005/3459), **reg. 6(5)**
- C6** S. 132(3) amended (1.4.1992) and extension of s. 132(3) to Scotland continued (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), **s. 4(2)**; S.I. 1991/2633, **art. 4**

#### Commencement Information

- I2** S. 132 wholly in force at 1.4.1991 see s. 164(3) and S.I. 1991/685, **art. 3**

#### Marginal Citations

- M2** 1949 c. 97.

### 133 Special functions of Councils.

- (1) The Councils shall jointly have the following functions which may, however, be discharged only through the joint committee; and in this section the functions so dischargeable are referred to as “special functions”.
- (2) The special functions of the Councils are—
  - (a) such of the functions previously discharged by the Nature Conservancy Council under the <sup>M3</sup>Wildlife and Countryside Act 1981 as are assigned to the

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Councils jointly as special functions in accordance with the amendments to that Act effected by Schedule 9 to this Act;

- (b) the provision of advice for the Secretary of State or any other Minister on the development and implementation of policies for or affecting nature conservation for Great Britain as a whole or nature conservation outside Great Britain;
- (c) the provision of advice and the dissemination of knowledge to any persons about nature conservation for Great Britain as a whole or nature conservation outside Great Britain;
- (d) the establishment of common standards throughout Great Britain for the monitoring of nature conservation and for research into nature conservation and the analysis of the resulting information;
- (e) the commissioning or support (whether by financial means or otherwise) of research which in the opinion of the joint committee is relevant to any matter mentioned in paragraphs (a) to (d) above;

and section 132(2) above shall apply to the special functions as it applies to the functions conferred by subsection (1) of that section.

- (3) The joint committee may give advice or information to any of the Councils on any matter arising in connection with the functions of that Council under section 132 above [<sup>F2</sup>or, as the case may be, the nature conservation functions of Scottish Natural Heritage] which, in the opinion of the committee, concerns nature conservation for Great Britain as a whole or nature conservation outside Great Britain.
- (4) For the purposes of this section, references to nature conservation for Great Britain as a whole are references to—
  - (a) any nature conservation matter of national or international importance or which otherwise affects the interests of Great Britain as a whole; or
  - (b) any nature conservation matter which arises throughout Great Britain and raises issues common to England, Scotland and Wales,
 and it is immaterial for the purposes of paragraph (a) above that a matter arises only in relation to England, to Scotland or to Wales.
- (5) The Secretary of State may, as respects any matter arising in connection with—
  - (a) any special function of the Councils, or
  - (b) the function of the joint committee under subsection (3) above,
 give directions to any of the Councils requiring that Council (instead of the joint committee) to discharge that function in relation to that matter.

#### **Textual Amendments**

- F2** Words in s. 133(3) inserted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 4(4)(b); S.I. 1991/2633, art. 4

#### **Modifications etc. (not altering text)**

- C7** S. 133 amended (1.4.1992) and extension of s. 133 to Scotland continued (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 4(4)(a); S.I. 1991/2633, art. 4
- C8** S. 133 modified (E.) (1.1.2005) by [The Common Agricultural Policy Single Payment and Support Schemes \(Cross Compliance\) \(England\) Regulations 2004 \(S.I. 2004/3196\)](#), reg. 6(4) (as amended (30.4.2005) by [The Common Agricultural Policy Single Payment and Support Schemes \(Cross](#)

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Compliance) (England) (Amendment) Regulations 2005 (S.I. 2005/918), reg. 2(d)) (both S.I. 2004/3196 and S.I. 2005/918 were revoked (12.1.2006) by S.I. 2005/3459, reg. 10)

**C9** S. 133 modified (W.) (1.1.2005) by The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004 (S.I. 2004/3280), **reg. 6(5)**

**C10** S. 133 modified (E.) (12.1.2006) by The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2006 (S.I. 2005/3459), **reg. 6(5)**

#### Marginal Citations

**M3** 1981 c. 61.

### 134 Grants and loans by the Councils.

- (1) The Councils may each, with the consent of or in accordance with a general authorisation given by the Secretary of State, give financial assistance by way of grant or loan (or partly in one way and partly in the other) to any person in respect of expenditure incurred or to be incurred by him in doing anything which in their opinion is conducive to nature conservation or fostering the understanding of nature conservation.
- (2) No consent or general authorisation shall be given by the Secretary of State under subsection (1) above without the approval of the Treasury.
- (3) On making a grant or loan a Council may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (4) The Councils shall exercise their powers under subsection (3) above so as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted (on payment or otherwise) shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.

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