



# Environment Act 1995

## CHAPTER 25

### ENVIRONMENT ACT 1995

#### PART I

#### THE ENVIRONMENT AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY

##### CHAPTER I

##### THE ENVIRONMENT AGENCY

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*Status: Point in time view as at 31/03/2011.*

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- 21 Transfer of functions to SEPA.
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- 81 Functions of the new Agencies.
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- 83 Designation of air quality management areas.
- 84 Duties of local authorities in relation to designated areas.
- 85 Reserve powers of the Secretary of State or SEPA.
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- 86A Functions exercisable by the Mayor of London.
- 87 Regulations for the purposes of Part IV.
- 88 (1) The Secretary of State may issue guidance to local...
- 89 (1) Subject to the provisions of any order under this...
- 90 Supplemental provisions.
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- 93 Producer responsibility: general.
- 94 Producer responsibility: supplementary provisions.
- 94A Producer responsibility: competition matters.
- 95 Producer responsibility: offences.
- 96 Mineral planning permissions

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- 97 Hedgerows.
- 98 Grants for purposes conducive to conservation.
- 99 Consultation before making or modifying certain subordinate legislation for England.

*Drainage*

- 100 Meaning of “drainage” in certain enactments.
- 101 Grants in connection with drainage works.

*Fisheries*

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- 104 Fixed penalty system for certain fisheries offences.
- 105 Minor and consequential amendments relating to fisheries.

*New provisions for Scotland*

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- 107 Statutory nuisances: Scotland.

*Powers of entry*

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- 109 Power to deal with cause of imminent danger of serious pollution etc.
- 110 Offences.

*Evidence*

- 111 Evidence in connection with certain pollution offences.

*Offences*

- 112 Amendment of certain offences relating to false or misleading statements or false entries.

*Information*

- 113 Disclosure of information.

*Appeals*

- 114 Power of Secretary of State to delegate his functions of determining, or to refer matters involved in, appeals.

*Crown application*

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- 116 Application of certain other enactments to the Crown.

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### *Isles of Scilly*

- 117 Application of this Act to the Isles of Scilly.
- 118 Application of certain other enactments to the Isles of Scilly.

### *Miscellaneous and supplemental*

- 119 Stamp duty.
- 120 Minor and consequential amendments, transitional and transitory provisions, savings and repeals.
- 121 Local statutory provisions: consequential amendments etc.
- 122 Directions.
- 123 Service of documents.
- 124 General interpretation.
- 125 Short title, commencement, extent, etc.

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## SCHEDULES

### SCHEDULE 1 — The Environment Agency

#### *Membership*

- 1 (1) Subject to the following provisions of this paragraph, a...

#### *Chairman and deputy chairman*

- 2 The chairman or deputy chairman of the Agency shall hold...

#### *Remuneration, pensions, etc.*

- 3 (1) The Agency shall pay to its members such remuneration,...

#### *Staff*

- 4 (1) The Agency may appoint such officers and employees as...

#### *Proceedings of the Agency*

- 5 Subject to the following provisions of this Schedule and to...

#### *Delegation of powers*

- 6 Subject to section 106 of the 1991 Act, anything authorised...

#### *Members' interests*

- 7 (1) A member who is in any way directly or...

#### *Vacancies and defective appointments*

- 8 The validity of any proceedings of the Agency shall not...

#### *Minutes*

- 9 (1) Minutes shall be kept of proceedings of the Agency,...

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*Application of seal and proof of instruments*

- 10 (1) The application of the seal of the Agency shall...

*Documents served etc. by or on the Agency*

- 11 (1) Any document which the Agency is authorised or required...

*Interpretation*

- 12 In this Schedule— “the appropriate Minister”, in relation to any...

SCHEDULE 2 — Transfers of property etc: supplemental provisions

Part I — INTRODUCTORY

*Interpretation*

- 1 In this Schedule— “the chief inspector”— in the application of...

*The property etc. which may be transferred*

- 2 (1) The property, rights and liabilities which are transferred by,...

*Contracts of employment*

- 3 (1) The rights and liabilities that may be transferred by...

Part II — TRANSFER SCHEMES

*Description of the property etc. to be transferred by scheme*

- 4 A transfer scheme may define the property, rights and liabilities...

*Division of property etc. to be transferred by scheme: creation of new rights and interests*

- 5 (1) For the purpose of making any division of property,...

*Transfer schemes: incidental, supplemental and consequential provision*

- 6 (1) A transfer scheme may make such incidental, supplemental and...

*Modification of transfer schemes*

- 7 (1) If at any time after a transfer scheme has...

*Provision of information and assistance to the Secretary of State and the new Agencies in connection with transfer schemes*

- 8 (1) It shall be the duty of each of the...

Part III — GENERAL PROVISIONS WITH RESPECT TO TRANSFERS BY OR UNDER SECTION 3 OR 22

*Consideration*

- 9 No consideration shall be provided in respect of the transfer...

*Continuity*

- 10 (1) This paragraph applies in relation to—

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### *Remedies*

- 11 (1) Without prejudice to the generality of paragraph 10 above,...

#### *Perfection of vesting of foreign property, rights and liabilities*

- 12 (1) This paragraph applies in the case of any transfer...

### SCHEDULE 3 — Environment protection advisory committees

#### *Introductory*

- 1 (1) In this Schedule, “scheme” means a scheme prepared under...

#### *Duty of Agency to prepare and submit schemes for each region*

- 2 (1) It shall be the duty of the Agency, in...

#### *Approval of schemes*

- 3 (1) A scheme shall not come into force unless it...

#### *Replacement and variation of approved membership schemes*

- 4 (1) The Agency may from time to time, and if...

#### *Appointment of members*

- 5 (1) Before appointing a person to be a member of...

#### *Vacancies, defective appointments etc.*

- 6 The validity of any proceedings of an advisory committee shall...

#### *Remuneration and allowances*

- 7 (1) The Agency shall pay to the chairman of an...

### SCHEDULE 4 — Boundaries of regional flood defence areas

#### *Power to make order*

- 1 (1) The relevant Minister may by order made by statutory...

#### *Consultation and notice of intention to make order*

- 2 (1) Before making an order under this Schedule, the relevant...

#### *Objections to draft order and making of order*

- 3 (1) Before making an order under this Schedule, the relevant...

#### *Procedure for making of order*

- 4 (1) Where the relevant Minister makes an order under this...

#### *Notice after making of order*

- 5 (1) Subject to sub-paragraph (2) below, after making an order...



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### *Questioning of order in courts*

6 (1) Subject to sub-paragraph (3) below, if any person desires...

## SCHEDULE 5 — Membership and proceedings of regional and local flood defence committees

### Part I — MEMBERSHIP OF FLOOD DEFENCE COMMITTEES

#### *Terms of membership*

1 (1) Members of a flood defence committee (that is to...

#### *Membership of constituent council as qualification for membership of committee*

2 (1) Members of a flood defence committee appointed by or...

#### *Disqualification for membership of committee*

3 (1) Subject to the following provisions of this paragraph, a...

#### *Vacation of office by disqualifying event*

4 (1) The office of a member of a flood defence...

#### *Resignation of office by members of regional committee*

5 (1) The chairman of a regional flood defence committee may...

#### *Resignation of office by members of local committee*

6 (1) The chairman of a local flood defence committee may...

#### *Appointments to fill casual vacancies*

7 (1) Where, for any reason whatsoever, the office of a...

#### *Eligibility of previous members for re-appointment*

8 Subject to the provisions of this Schedule, a member of...

#### *Appointment of deputies*

9 (1) Subject to the following provisions of this paragraph, a...

#### *Payments to past and present chairmen and to members*

10 (1) The Agency shall pay to any person who is...

### Part II — PROCEEDINGS OF FLOOD DEFENCE COMMITTEES

#### *Appointment of sub-committees, joint sub-committees etc.*

11 (1) For the purpose of carrying out any functions in...

#### *Delegation of functions to sub-committees etc.*

12 (1) Subject to section 106 of the 1991 Act and...

#### *Rules of procedure*

13 (1) A flood defence committee may, with the approval of...

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*Declarations of interest etc.*

- 14 (1) Subject to the following provisions of this paragraph, the...

*Authentication of documents*

- 15 (1) Any notice or other document which a flood defence...

*Proof and validity of proceedings*

- 16 (1) A minute of the proceedings of a meeting of...

SCHEDULE 6 — The Scottish Environment Protection Agency

*Status*

- 1 SEPA shall be a body corporate with a common seal....  
2 Subject to section 38 of this Act, SEPA shall not—...

*Membership*

- 3 SEPA shall consist of not less than eight, nor more...  
4 In making appointments under paragraph 3 above, the Secretary of...  
5 Subject to paragraphs 7 and 8 below, each member—  
6 The Secretary of State may, by order made by statutory...  
7 The Secretary of State may remove a member from office...

*Chairman and deputy chairman*

- 8 (1) The Secretary of State shall appoint one of the...

*Remuneration, pensions, etc.*

- 9 (1) SEPA shall— (a) pay to its members such remuneration...

*Staff*

- 10 (1) There shall be a chief officer of SEPA.  
11 SEPA may appoint such other employees as it thinks fit....  
12 (1) SEPA shall, in the case of such of its...

*Proceedings*

- 13 (1) SEPA may regulate its own procedure and that of...

*Committees*

- 14 (1) SEPA may appoint persons who are not members of...

*Delegation of powers*

- 15 (1) Anything authorised or required by or under any enactment...

*Regional Boards*

- 16 (1) Without prejudice to the generality of its power to...

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*Members' interests*

17 (1) A member who is in any way directly or...

*Minutes*

18 (1) Minutes shall be kept of proceedings of SEPA and...

SCHEDULE 7 — National Park authorities

*Status and constitution of authorities*

1 (1) A National Park authority shall be a body corporate....

*Local authority members*

2 (1) The local authority members of a National Park authority...

*Parish members of English National Park authorities*

3 (1) The parish members of an English National Park authority...

*Members (other than parish members) appointed by the Secretary of State*

4 (1) Before appointing any person as a member of a...

*Chairman and deputy chairman*

5 (1) The members of a National Park authority shall elect,...

*Removal of members*

6 (1) The Secretary of State may, by giving a local...

*Disqualification of members*

7 (1) A person is disqualified for becoming or remaining a...

*Vacation of office for failure to attend meetings*

8 Section 85 of the 1972 Act (failure to attend meetings)...

*Code of conduct for members*

9 Section 31 of the Local Government and Housing Act 1989...

*Restrictions on voting on account of interests etc.*

10 (1) Sections 94 to 98 of the 1972 Act (restrictions...

*Allowances and time off for members*

11 (1) A National Park authority shall be a body to...

*Meetings and proceedings of the authority*

12 (1) The following provisions, that is to say—

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*Committees and sub-committees and officers*

13 (1) Sections 101 to 106 of the 1972 Act (arrangements...

*National Park Officer*

14 (1) Every National Park authority for a National Park shall...

*Personal liability of members and officers*

15 Section 265 of the Public Health Act 1875 (personal liability...

*Liaison with parish and community councils*

16 A National Park authority shall make arrangements—

*Documents, notices, records, byelaws etc.*

17 (1) The Local Government (Records) Act 1962 shall have effect...

*Investigation in connection with maladministration etc.*

18 (1) In section 25(1) of the Local Government Act 1974...

*Audit by Audit Commission auditor etc.*

19 .....

*Meaning of “relevant order”*

20 In this Schedule “the relevant order”, in relation to a...

SCHEDULE 8 — Supplemental and incidental powers of National Park authorities

*Powers in relation to land etc.*

1 (1) Subject to sub-paragraph (2) below, the following provisions, that...

2 (1) After section 244 of the Town and Country Planning...

*Miscellaneous transactions and powers*

3 (1) The following provisions of the 1972 Act shall also...

*Transfer of securities on alteration of area*

4 Section 146 of the 1972 Act (transfer of securities on...

*The Local Authorities (Goods and Services) Act 1970*

5 The Local Authorities (Goods and Services) Act 1970 (supply of...

*Power to execute works outside Park*

6 Any power to execute works which is conferred on a...

*Power to promote Bills*

7 (1) Section 239 of the 1972 Act (power of local...

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*Competitive tendering etc.*

8 (1) Part III of the Local Government, Planning and Land...

*Restrictions on publicity*

9 Part II of the Local Government Act 1986 (restrictions on...

*Provisions applying in relation to companies in which authorities have interests*

10 In section 67(3) of the Local Government and Housing Act...

*Provisions as to charges*

11 In section 152(2) of that Act of 1989 (provisions as...

*Service agency agreements*

12 Section 25 of the Local Government (Wales) Act 1994 (service...

*Contracting out*

13 Part II of the Deregulation and Contracting Out Act 1994...

SCHEDULE 9 — Miscellaneous statutory functions of National Park authorities

*Common land etc.*

1 (1) The enactments specified in sub-paragraph (2) below shall have...

*Open spaces*

2 The Open Spaces Act 1906 shall have effect as if...

*Nature reserves*

3 Sections 21 and 22 of the National Parks and Access...

*Caravan sites*

4 In the Caravan Sites and Control of Development Act 1960—...

*Country Parks*

5 The Countryside Act 1968 shall have effect as if a...

*Provision of information and encouragement of visitors*

6 Sections 142 and 144 of the 1972 Act (provision of...

*Derelict land etc.*

7 The provisions of section 16 of the Welsh Development Agency...

*Recreational facilities*

8 Section 19 of the Local Government (Miscellaneous Provisions) Act 1976...

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*Refuse Disposal*

- 9 (1) Subject to sub-paragraph (2) below, references to a local...

*Ancient Monuments and Archaeological Areas*

- 10 (1) Subject to sub-paragraph (2) below, Parts I and II...

*Footpaths and bridleways*

- 11 The following provisions of the Highways Act 1980, that is...

*Litter*

- 12 The following provisions, that is to say—

*Listed and historic buildings*

- 13 (1) In the case of a building situated in a...

*Hazardous substances*

- 14 (1) For the purposes of the Planning (Hazardous Substances) Act...

*Local Charities*

- 15 Sections 76 to 78 of the Charities Act 1993 (local...

*Overseas Assistance*

- 16 The Local Government (Overseas Assistance) Act 1993 shall have effect...

SCHEDULE 10 — Minor and consequential amendments relating to National Parks

*The Finance Act 1931 (c. 28)*

- 1 .....

*The National Parks and Access to the Countryside Act 1949 (c. 97)*

- 2 (1) In section 6 of the National Parks and Access...

*The Landlord and Tenant Act 1954 (c. 56)*

- 3 In section 69(1) of the Landlord and Tenant Act 1954...

*The Land Compensation Act 1961 (c. 33)*

- 4 (1) Paragraph 55(2) of Schedule 16 to the 1972 Act...

*The Trustee Investments Act 1961 (c. 62)*

- 5 In section 11 of the Trustee Investments Act 1961 (local...

*The Agriculture Act 1967 (c. 22)*

- 6 In section 50(3) of the Agriculture Act 1967 (bodies transfers...

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*The Leasehold Reform Act 1967 (c. 88)*

7 In section 28 of the Leasehold Reform Act 1967 (retention...

*The Countryside Act 1968 (c. 41)*

8 (1) In section 4(1) of the Countryside Act 1968 (experimental...

*The Employers Liability (Compulsory Insurance) Act 1969 (c. 57)*

9 In section 3 of the Employers Liability (Compulsory Insurance) Act...

*The 1972 Act*

10 (1) In subsection (1)(a) of section 80 of the 1972...

*The Employment Agencies Act 1973 (c. 35)*

11 In section 13(7) of the Employment Agencies Act 1973 (cases...

*The Health and Safety at Work etc. Act 1974 (c. 37)*

12 In section 28 of the Health and Safety at Work...

*The Welsh Development Agency Act 1975 (c. 70)*

13 (1) In section 1(14) of the Welsh Development Agency Act...

*Local Land Charges Act 1975 (c. 76)*

14 In sections 1 and 2 of the Local Land Charges...

*The Race Relations Act 1976 (c. 74)*

15 (1) In section 19A of the Race Relations Act 1976...

*The Development of Rural Wales Act 1976 (c. 75)*

16 .....

*The Rent (Agriculture) Act 1976 (c. 80)*

17 In section 5(3) of the Rent (Agriculture) Act 1976 (no...

*The Rent Act 1977 (c. 42)*

18 In section 14 of the Rent Act 1977 (exemption from...

*The Justices of the Peace Act 1979 (c. 55)*

19 .....

*The Local Government, Planning and Land Act 1980 (c. 65)*

20 .....

*The Acquisition of Land Act 1981 (c. 67)*

21 (1) In section 17(3) of the Acquisition of Land Act...

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*The Wildlife and Countryside Act 1981 (c. 69)*

22 (1) In section 39(5)(a) of the Wildlife and Countryside Act...

*The County Courts Act 1984 (c. 28)*

23 In section 60(3) of the County Courts Act 1984 (right...

*The Housing Act 1985 (c. 68)*

24 (1) In section 43 of the Housing Act 1985 (consent...

*The Landlord and Tenant Act 1985 (c. 70)*

25 (1) In sections 14(4) and 26(1) of, and in paragraph...

*The Landlord and Tenant Act 1987 (c. 31)*

26 In section 58(1) of the Landlord and Tenant Act 1987...

*The Norfolk and Suffolk Broads Act 1988 (c. 4)*

27 In Schedule 3 to the Norfolk and Suffolk Broads Act...

*The Housing Act 1988 (c. 50)*

28 In paragraph 12(2) of Schedule 1 to the Housing Act...

*The Road Traffic Act 1988 (c. 52)*

29 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exemptions...

*The Electricity Act 1989 (c. 29)*

30 (1) Paragraph 2(6) of Schedule 8 to the Electricity Act...

*The Local Government and Housing Act 1989 (c. 42)*

31 (1) In section 21(1) of the Local Government and Housing...

*The Town and Country Planning Act 1990 (c. 8)*

32 (1) In paragraph (a) of section 1(5) of the Town...

*The Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

33 (1) The Planning (Listed Buildings and Conservation Areas) Act 1990...

*Water consolidation legislation*

34 (1) The references to a National Park authority in the...

*The Local Government Finance Act 1992 (c. 14)*

35 In section 35 of the Local Government Finance Act 1992...

*The Local Government (Overseas Assistance) Act 1993 (c. 25)*

36 In section 1(10) of the Local Government (Overseas Assistance) Act...



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*The Welsh Language Act 1993 (c. 38)*

37 In section 6(1) of the Welsh Language Act 1993 (bodies...

*The Local Government (Wales) Act 1994 (c. 19)*

38 (1) In Schedule 6 to the Local Government (Wales) Act...

SCHEDULE 11 — Air Quality: Supplemental Provisions

*Consultation requirements*

1 (1) A local authority in carrying out its functions in...

*Exchange of information with county councils in England*

2 (1) This paragraph applies in any case where a district...

*Joint exercise of local authority functions*

3 (1) The appropriate authority may give directions to any two...

*Public access to information about air quality*

4 (1) It shall be the duty of every local authority—...

*Fixed penalty offences*

5 (1) Without prejudice to the generality of paragraph (o) of...

SCHEDULE 12 — Schedule 2A to the Environmental Protection Act 1990

SCHEDULE 13 — Review of Old Mineral Planning Permissions

*Interpretation*

1 (1) In this Schedule— “dormant site” means a...

*Phase I and II sites*

2 (1) This paragraph has effect for the purposes of determining...

*The “first list”*

3 (1) A mineral planning authority shall, in accordance with the...

*The “second list”*

4 (1) A mineral planning authority shall, in accordance with the...

*Advertisement of the first and second lists*

5 (1) This paragraph makes provision for the advertisement of the...

*Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications*

6 (1) Any person who is the owner of any land,...

*Status: Point in time view as at 31/03/2011.*

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*Postponement of the date specified in the first or second list for review of the permissions relating to a Phase I or II site in cases where the existing conditions are satisfactory*

7 (1) Any person who is the owner of any land,...

*Service on owners etc. of notice of preparation of the first and second lists*

8 (1) The mineral planning authority shall, no later than the...

*Applications for approval of conditions and appeals in cases where the conditions approved are not those proposed*

9 (1) Any person who is the owner of any land,...

*Notice of determination of conditions to be accompanied by additional information in certain cases*

10 (1) This paragraph applies in a case where—

*Right to appeal against mineral planning authority's determination of conditions etc.*

11 (1) Where the mineral planning authority— (a) on an application...

*Permissions ceasing to have effect*

12 (1) Subject to paragraph 8(11) above, where no application under...

*Reference of applications to the Secretary of State*

13 (1) The Secretary of State may give directions requiring applications...

*Two or more applicants*

14 (1) Where a mineral planning authority has received from any...

*Compensation*

15 (1) This paragraph applies in a case where—

*Appeals: general procedural provisions*

16 (1) This paragraph applies to appeals under any of the...

SCHEDULE 14 — Periodic Review of Mineral Planning Permissions

*Duty to carry out periodic reviews*

1 The mineral planning authority shall, in accordance with the provisions...

*Interpretation*

2 (1) For the purposes of this Schedule— “ first review...

*The first review date*

3 (1) Subject to sub-paragraph (7) below, in a case where...

3A (1) The Secretary of State may by order specify a...

*Status: Point in time view as at 31/03/2011.*

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*Service of notice of first periodic review*

- 4 (1) The mineral planning authority shall, in connection with the...

*Application for postponement of the first review date*

- 5 (1) Any person who is the owner of any land,...

*Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject*

- 6 (1) Any person who is the owner of any land,...

*Permissions ceasing to have effect*

- 7 Where no application under paragraph 6 above in respect of...

*Reference of applications to the Secretary of State*

- 8 (1) The Secretary of State may give directions requiring applications...

*Appeals*

- 9 (1) Where on an application under paragraph 6 above the...

*Time from which conditions determined under this Schedule are to take effect*

- 10 (1) Where an application has been made under paragraph 6...

*Two or more applicants*

- 11 (1) Where a mineral planning authority have received from any...

*Second and subsequent periodic reviews*

- 12 (1) In this paragraph, in relation to a mining site,...

*Compensation*

- 13 (1) This paragraph applies where— (a) an application made under...

SCHEDULE 15 — Minor and consequential amendments relating to fisheries

*Interpretation*

- 1 In this Schedule— “local statutory provision” means— a provision of...

*General modifications of references to the National Rivers Authority*

- 2 (1) Subject to— (a) the following provisions of this Schedule,...

*Power to amend subordinate legislation etc.*

- 3 (1) If it appears to the Minister or the Secretary...

*The Diseases of Fish Act 1937*

- 4 (1) Subject to sub-paragraph (2) below, in the Diseases of...

*Status: Point in time view as at 31/03/2011.*

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*The Sea Fisheries Regulation Act 1966*

- 5 (1) The provisions of section 1 of the Sea Fisheries...

*The Sea Fish (Conservation) Act 1967*

- 6 In section 18(1) of the Sea Fish (Conservation) Act 1967...

*The Salmon and Freshwater Fisheries Act 1975*

- 7 In section 5 of the Salmon and Freshwater Fisheries Act...  
8 In section 6(3) of that Act (definition of “unauthorised fixed...  
9 In section 8(2) of that Act (fishing mill dams to...  
10 In section 9(1) of that Act (owner or occupier of...  
11 (1) In section 10 of that Act, in subsection (1)...  
12 (1) In section 11 of that Act (Minister’s consents and...  
13 For section 14 of that Act (gratings) there shall be...  
14 (1) In section 15 of that Act (power of National...  
15 In section 17 of that Act (restrictions on taking salmon...  
16 In section 18 of that Act (provisions supplementary to Part...  
17 In section 30 of that Act, the paragraph defining “fish...  
18 (1) In section 35 of that Act (power to require...  
19 After subsection (1A) of section 39 of that Act (application...  
20 In section 41(1) of that Act (general definitions) the following...  
21 In subsection (3) of section 43 of that Act (extent...  
22 In paragraph 1 of Schedule 1 to that Act (close...

*The Diseases of Fish Act 1983*

- 23 In section 9(1)(d) of the Diseases of Fish Act 1983...

*The Salmon Act 1986*

- 24 In section 37(3) of the Salmon Act 1986 (byelaws requiring...

*The Water Resources Act 1991*

- 25 In section 115 of the Water Resources Act 1991, in...  
26 (1) In paragraph 6 of Schedule 25 to that Act...

SCHEDULE 16 — Pollution of rivers and coastal waters in Scotland: amendment of the Control of Pollution Act 1974

- 1 The Control of Pollution Act 1974, as it has effect...  
2 After section 30E there shall be inserted the following sections—...  
3 Sections 31(1), (2), (3), (7) and (10) (offences relating to...  
4 In section 31(8) (maximum penalties) for the words “paragraphs (a)...  
5 In section 31B(4)(d) (nitrate sensitive areas: maximum penalties) for the...  
6 In section 34(3) (consents for discharges of trade and effluent)...  
7 In section 39(1)(a) (appeals to the Secretary of State) for...  
8 In section 56(1) (interpretation etc of Part II) the following...  
9 In section 87(3) (time-bar in relation to legal proceedings)—

SCHEDULE 17 — Statutory nuisances: Scotland

*Status: Point in time view as at 31/03/2011.*

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*Amendments of the Environmental Protection Act 1990*

- 1 The Environmental Protection Act 1990 shall be amended in accordance...
- 2 In section 79 (statutory nuisances etc)— (a) in subsection (1)(ga)...
- 3 In section 80 (summary proceedings) in subsection (3) after the...
- 4 In section 81 (supplementary provisions)— (a) in subsection (2) after...
- 5 In section 81A at the end, as subsection (10), and...
- 6 In section 82 (proceedings by persons aggrieved)—
- 7 In Schedule 3 (statutory nuisance; supplementary provisions)—

*Amendments of the Radioactive Substances Act 1993*

- 8 In the Radioactive Substances Act 1993, in Part II of...

SCHEDULE 18 — Supplemental provisions with respect to powers of entry

*Interpretation*

- 1 (1) In this Schedule— “designated person” means an authorised person,...

*Issue of warrants*

- 2 (1) If it is shown to the satisfaction of a...

*Manner of exercise of powers*

- 3 A person designated as the person who may exercise a...

*Information obtained to be admissible in evidence*

- 4 (1) Subject to section 108(12) of this Act, information obtained...

*Duty to secure premises*

- 5 A person who, in the exercise of a relevant power...

*Compensation*

- 6 (1) Where any person exercises any power conferred by section...

SCHEDULE 19 — Offences relating to false or misleading statements or false entries

*The Control of Pollution Act 1974*

- 1 (1) The Control of Pollution Act 1974 shall be amended...

*The Water (Scotland) Act 1980*

- 2 (1) The Water (Scotland) Act 1980 shall be amended in...

*The Control of Pollution (Amendment) Act 1989*

- 3 In section 7(3)(b) of the Control of Pollution (Amendment) Act...

*The Environmental Protection Act 1990*

- 4 (1) For section 44 of the Environmental Protection Act 1990...

*Status: Point in time view as at 31/03/2011.*

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*The Water Resources Act 1991*

- 5 (1) Section 206 of the Water Resources Act 1991 (making...

*The Radioactive Substances Act 1993*

- 6 After section 34 of the Radioactive Substances Act 1993 (offences...

SCHEDULE 20 — Delegation of appellate functions of the Secretary of State

*Interpretation*

- 1 In this Schedule— “appointed person” means a person appointed under...

*Appointments*

- 2 An appointment under section 114(1)(a) of this Act must be...

*Powers of appointed person*

- 3 Subject to the provisions of this Schedule, an appointed person...

*Holding of local inquiries and other hearings by appointed persons*

- 4 (1) If either of the parties to an appeal, matter...

*Local inquiries under this Schedule: evidence and costs*

- 5 (1) In relation to England and Wales, subsections (2) to...

*Revocation of appointments and making of new appointments*

- 6 (1) Where under paragraph 2(c) above the appointment of the...

*Certain acts and omissions of appointed person to be treated as those of the Secretary of State*

- 7 (1) Anything done or omitted to be done by an...

SCHEDULE 21 — Application of certain enactments to the Crown  
Part I — ENACTMENTS RELATING TO ENGLAND AND WALES

*The Water Industry Act 1991*

- 1 (1) For section 221 of the Water Industry Act 1991...

*The Water Resources Act 1991*

- 2 (1) The Water Resources Act 1991 shall be amended in...  
Part II — ENACTMENTS RELATING TO SCOTLAND

*The Sewerage (Scotland) Act 1968*

- 3 For section 55 of the Sewerage (Scotland) Act 1968 (Crown...

*The Control of Pollution Act 1974*

- 4 For subsection (3) of section 105 of the Control of...

*Status: Point in time view as at 31/03/2011.*

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*The Water (Scotland) Act 1980*

5 After section 110 of the Water (Scotland) Act 1980 there...

*The Local Government etc. (Scotland) Act 1994*

6 After section 125 of the Local Government etc. (Scotland) Act...

SCHEDULE 22 — Minor and consequential amendments

*The Alkali, &c., Works Regulation Act 1906*

1 (1) The Alkali, &c, Works Regulation Act 1906 shall be...

*The Statistics of Trade Act 1947*

2 In the Statistics of Trade Act 1947, after section 9...

*The Rivers (Prevention of Pollution) (Scotland) Act 1951*

3 (1) The Rivers (Prevention of Pollution) (Scotland) Act 1951 shall...

*The Public Records Act 1958*

4 In the First Schedule to the Public Records Act 1958...

*The Opencast Coal Act 1958*

5 (1) In section 7(8) of the Opencast Coal Act 1958...

*The Rivers (Prevention of Pollution) (Scotland) Act 1965*

6 In section 10 of the Rivers (Prevention of Pollution) (Scotland)...

*The Nuclear Installations Act 1965*

7 (1) In section 3 of the Nuclear Installations Act 1965, ...  
8 In section 4 of that Act (attachment of conditions to...  
9 In section 5 of that Act (revocation and surrender of...  
10 In section 26 (interpretation) in subsection (1), there shall be...

*The Parliamentary Commissioner Act 1967*

11 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*The Sewerage (Scotland) Act 1968*

12 (1) In section 38(3) of the Sewerage (Scotland) Act 1968...

*The Local Authorities (Goods and Services) Act 1970*

13 The Local Authorities (Goods and Services) Act 1970 (supply of...

*The Agriculture Act 1970*

14 (1) The Agriculture Act 1970 shall be amended in accordance...

*Status: Point in time view as at 31/03/2011.*

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*The Prevention of Oil Pollution Act 1971*

15 (1) The Prevention of Oil Pollution Act 1971 shall be...

*The Town and Country Planning (Scotland) Act 1972*

16 .....

*The Local Government Act 1972*

17 In section 223 of the Local Government Act 1972 (which...

*The Local Government Act 1974*

18 In section 25(1) of the Local Government Act 1974 (authorities...

*The Control of Pollution Act 1974*

19 (1) Section 5 of the Control of Pollution Act 1974...

20 (1) Section 6 of that Act (provisions supplementary to section...

21 (1) Section 7 of that Act (variation of conditions and...

22 (1) Section 8 of that Act (transfer and relinquishment of...

23 (1) Section 9 of that Act (supervision of licensed activities)...

24 (1) Section 10 of that Act (appeals to Secretary of...

25 In section 11 of that Act (special provision for land...

26 (1) Section 16 of that Act (removal of waste deposited...

27 In section 30 of that Act (interpretation of Part I)...

28 In section 62(2)(a) of that Act (exceptions to restrictions on...

29 (1) The Control of Pollution Act 1974, as it has...

*The Health and Safety at Work etc. Act 1974*

30 (1) The Health and Safety at Work etc. Act 1974...

*The House of Commons Disqualification Act 1975 and  
the Northern Ireland Assembly Disqualification Act 1975*

31 In Part II of Schedule 1 to the House of...

*The Local Government (Scotland) Act 1975*

32 (1) The Local Government (Scotland) Act 1975 shall be amended...

*The Local Government (Miscellaneous Provisions) Act 1976*

33 In section 44 of the Local Government (Miscellaneous Provisions)  
Act...

*The Water (Scotland) Act 1980*

34 (1) The Water (Scotland) Act 1980 shall be amended in...

*The Criminal Justice (Scotland) Act 1980*

35 .....

*The Road Traffic Regulation Act 1984*

36 (1) In section 1 of the Road Traffic Regulation Act...



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*The Control of Pollution (Amendment) Act 1989*

37 (1) The Control of Pollution (Amendment) Act 1989 shall be...

*The Electricity Act 1989*

38 .....  
39 .....  
40 In Schedule 4 to that Act (other powers etc. of...  
41 In Schedule 5 to that Act (water rights) in paragraph...

*The Town and Country Planning Act 1990*

42 In section 2 of the Town and Country Planning Act...  
43 In Schedule 5 to that Act (conditions relating to mineral...  
44 In Schedule 6 to that Act (determination of certain appeals...

*The Environmental Protection Act 1990*

45 (1) Section 1 of the Environmental Protection Act 1990 (interpretation...  
46 (1) Section 4 of that Act (determination of authority by...  
47 Section 5 of that Act (further provision for Scotland as...  
48 In section 6 of that Act, in subsection (2) (fee...  
49 (1) In section 7 of that Act (conditions of authorisations)...  
50 (1) Section 8 of that Act (fees and charges for...  
51 (1) Section 10 of that Act (variation of authorisations by...  
52 In section 11 of that Act (application by holders of...  
53 At the end of section 13 of that Act (enforcement...  
54 (1) Section 15 of that Act (appeals against certain authorisations...  
55 Sections 16 to 18 of that Act (appointment of inspectors,...  
56 In section 19 of that Act (obtaining of information from...  
57 (1) Section 20 of that Act (public registers of information)...  
58 (1) Section 22 of that Act (exclusion from registers of...  
59 (1) Section 23 of that Act (offences) shall be amended...  
60 (1) In section 27 of that Act (power of chief...  
61 (1) In section 28 of that Act, in subsection (1)...  
62 (1) Section 30 of that Act (authorities for purposes of...  
63 Section 31 of that Act (power to create regional authorities...  
64 In section 33 of that Act (prohibition on unauthorised or...  
65 In section 34 of that Act (duty of care etc...  
66 (1) Section 35 of that Act (waste management licences: general)...  
67 After section 35 of that Act there shall be inserted—...  
68 (1) Section 36 of that Act (grant of licences) shall...  
69 After section 36 of that Act there shall be inserted—...  
70 (1) In section 37 of that Act (variation of licences)...  
71 After section 37 of that Act there shall be inserted—...  
72 (1) In section 38 of that Act (revocation and suspension...  
73 (1) Section 39 of that Act (surrender of licences) shall...  
74 In section 40 of that Act (transfer of licences) in...  
75 Section 41 of that Act (fees and charges for licences)...  
76 (1) Section 42 of that Act (supervision of licensed activities)...  
77 In section 43 of that Act, in subsection (2), paragraphs...  
78 Section 50 of that Act (waste disposal plans of waste...  
79 Section 61 of that Act (duty of waste regulation authorities...  
80 (1) Section 62 of that Act (special provision with respect...

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- 81 In section 63 of that Act (waste other than controlled...
- 82 (1) Section 64 of that Act (public registers) shall be...
- 83 (1) In section 66 of that Act (exclusion from registers...
- 84 Section 67 of that Act (annual reports of waste regulation...
- 85 Sections 68 to 70 of that Act (functions of the...
- 86 (1) In section 71 of that Act (obtaining of information...
- 87 Section 72 of that Act (default powers of the Secretary...
- 88 (1) Section 75 of that Act (meaning of “waste” etc.)...
- 89 (1) Section 79 of that Act (statutory nuisances) shall be...
- 90 In section 141 of that Act (power to prohibit or...
- 91 Section 143 of that Act (public registers of land which...
- 92 In section 161 of that Act (regulations and orders) in...
- 93 (1) Schedule 1 to that Act (authorisations for processes:  
supplementary...
- 94 In Schedule 2 to that Act (waste disposal authorities and...
- 95 After Schedule 2A to that Act there shall be inserted—...

*The Natural Heritage (Scotland) Act 1991*

- 96 (1) The Natural Heritage (Scotland) Act 1991 shall be amended...

*The Water Industry Act 1991*

- 97 In section 3 of the Water Industry Act 1991 (general...
- 98 In section 5 of that Act (codes of practice with...
- 99 In section 40 of that Act (bulk supplies of water)...
- 100 In section 40A of that Act (variation and termination of...
- 101 (1) In section 71 of that Act (waste from water...
- 102 After section 93 of that Act (interpretation of Part III)...
- 103 After section 101 of that Act (which provides for the...
- 104 In section 110A of that Act (new connections with public...
- 105 (1) Section 120 of that Act (application for the discharge...
- 106 In section 123 of that Act (appeals with respect to...
- 107 In section 127 of that Act (review by the Secretary...
- 108 (1) Section 130 of that Act (reference to the Secretary...
- 109 In section 131 of that Act (review by the Secretary...
- 110 (1) Section 132 of that Act (powers and procedure on...
- 111 In section 133 of that Act (effect of determination on...
- 112 In section 134 of that Act (compensation in respect of...
- 113 After section 135 there shall be inserted— Power of the...
- 114 (1) Section 142 of that Act (powers of undertakers to...
- 115 In section 143 of that Act (charges schemes) after subsection...
- 116 Section 151 of that Act shall cease to have effect....
- 117 In section 161 of that Act (power to deal with...
- 118 In section 166 of that Act (consents for certain discharges...
- 119 In section 184 of that Act (power of certain undertakers...
- 120 In section 202 of that Act (duties of undertakers to...
- 121 (1) In section 206 of that Act (restriction on disclosure...
- 122 In section 209 of that Act (civil liability of undertakers...
- 123 In section 215 of that Act (local inquiries) in subsection...
- 124 In section 217 of that Act (construction of provisions conferring...
- 125 In section 219 of that Act (general interpretation) in subsection...
- 126 In Schedule 11 to that Act (orders conferring compulsory works...
- 127 In Schedule 13 to that Act (protective provisions in respect...

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*The Water Resources Act 1991*

128	Subject to the other provisions of this Act, in the...
129	.....
130	In section 15 of that Act (general duties with respect...
131	.....
132	In section 20 of that Act (water resources management schemes)...
133	(1) In section 21 of that Act (minimum acceptable flows)...
134	In section 43 of that Act (appeals to the Secretary...
135	(1) In section 50 of that Act, in subsection (1)...
136	.....
137	.....
138	.....
139	(1) Section 73 of that Act (power to make ordinary...
140	After section 79 of that Act (compensation and charges where...
141	In section 80 of that Act (offences against drought orders)....
142	After section 90 of that Act (offences in connection with...
143	(1) In section 91 of that Act (appeals in respect...
144	In section 92 of that Act (requirements to take precautions...
145	In section 96 of that Act (regulations with respect to...
146	.....
147	(1) In section 110 of that Act (applications for consents...
148	.....
149	.....
150	(1) Section 118 of that Act (special duties with respect...
151	(1) In section 119 of that Act (duties with respect...
152	.....
153	.....
154	.....
155	.....
156	.....
157	In section 154 of that Act (compulsory purchase etc) in...
158	In section 156 of that Act (acquisition of land etc...
159	In section 157 of that Act (restriction on disposals of...
160	In section 158 of that Act (works agreements for water...
161	(1) Section 161 of that Act (anti-pollution works and operations)...
162	After that section there shall be inserted— Notices requiring persons...
163	In section 162 of that Act (other powers to deal...
164	In section 166 of that Act (power to carry out...
165	In section 169 of that Act (powers of entry for...
166	In section 172 of that Act (powers of entry for...
167	In section 174 of that Act (impersonation of persons exercising...
168	.....
169	(1) Section 190 of that Act (pollution control register) shall...
170	After section 191 of that Act (register for the purposes...
171	.....
172	(1) In section 202 of that Act (information and assistance...
173	(1) Section 204 of that Act (restriction on disclosure of...
174	.....
175	.....
176	.....
177	(1) Section 221(1) of that Act (general interpretation) shall be...
178	.....

*Status: Point in time view as at 31/03/2011.*

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- 179 . . . . .
- 180 In Schedule 5 to that Act (procedure relating to statements...
- 181 In Schedule 6 to that Act (orders providing for exemption...
- 182 In Schedule 10 to that Act (discharge consents) after paragraph...
- 183 For that Schedule there shall be substituted— Schedule 10 Discharge...
- 184 In Schedule 11 to that Act (water protection zone orders)...
- 185 In Schedule 12 to that Act (nitrate sensitive area orders)...
- 186 In Schedule 13 to that Act (transitional water pollution provisions)...
- 187 (1) In Schedule 15 to that Act (supplemental provisions with...
- 188 In Schedule 20 to that Act (supplemental provisions with respect...
- 189 In Schedule 22 to that Act (protection for particular undertakings)...
- 190 In Schedule 25 to that Act (byelaw-making powers) in paragraph...

#### *The Land Drainage Act 1991*

- 191 In the Land Drainage Act 1991, for the words “NRA”,...
- 192 (1) In section 23 of that Act (prohibition on obstructions...
- 193 At the beginning of Part V of that Act (miscellaneous...
- 194 (1) In section 72 of that Act, in subsection (1)...

#### *The Clean Air Act 1993*

- 195 In section 2 of the Clean Air Act 1993 (emission...
- 196 (1) Section 19 of that Act (power to require creation...
- 197 In section 59 of that Act (local inquiries) in subsection...
- 198 In section 60(7)(b) of that Act as it applies to...
- 199 In section 63(1)(c) of that Act as it applies to...

#### *The Radioactive Substances Act 1993*

- 200 Subject to the other provisions of this Act, in the...
- 201 . . . . .
- 202 (1) In section 7 of that Act (registration of users...
- 203 In section 8 of that Act (exemptions from registration under...
- 204 (1) In section 10 of that Act (registration of mobile...
- 205 (1) Section 16 of that Act (authorisations) shall be amended...
- 206 (1) In section 17 of that Act, after subsection (2)...
- 207 . . . . .
- 208 In section 20 of that Act (retention and production of...
- 209 (1) In section 21 of that Act (enforcement notices) in...
- 210 (1) In section 22 of that Act (prohibition notices) in...
- 211 (1) In section 23 of that Act (powers of Secretary...
- 212 (1) In section 24 of that Act (power of Secretary...
- 213 (1) In section 25 of that Act (power of Secretary...
- 214 (1) Section 26 of that Act (appeals) shall be amended...
- 215 (1) Section 27 of that Act (procedure on appeals under...
- 216 . . . . .
- 217 (1) Section 30 of that Act (power of Secretary of...
- 218 . . . . .
- 219 In section 32 of that Act (offences relating to registration...
- 220 In section 34(1) of that Act (which, with certain exceptions,...
- 221 . . . . .
- 222 In section 38 of that Act (restriction on prosecution) in...
- 223 (1) In section 39 of that Act (public access to...

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- 224 In section 40 of that Act (radioactivity to be disregarded...  
225 .....  
226 .....  
227 .....  
228 .....  
229 .....  
230 (1) In Schedule 3 to that Act (enactments, other than...

*The Local Government (Wales) Act 1994*

- 231 In Schedule 9 to the Local Government (Wales) Act 1994...

*The Local Government etc. (Scotland) Act 1994*

- 232 (1) In section 2(2) of the Local Government etc. (Scotland)...

*Subordinate legislation and local statutory provisions*

- 233 (1) In any subordinate legislation or local statutory provisions, for...

SCHEDULE 23 — Transitional and transitory provisions and savings  
Part I — GENERAL TRANSITIONAL PROVISIONS AND SAVINGS

*Interpretation of Part I*

- 1 In this Part of this Schedule, the “transfer date” has...

*Directions*

- 2 Any directions given to the National Rivers Authority for the...

*Regional and local fisheries advisory committees*

- 3 If and so long as the Agency requires, on and...

*Charging schemes*

- 4 (1) Without prejudice to section 55 of this Act, any...

*Preparation of reports*

- 5 (1) The first report prepared by the Agency under section...

*Preparation of accounts*

- 6 Notwithstanding the repeal by this Act of subsection (9) of...

*Membership of Welsh National Park authorities*

- 7 (1) Where a body corporate constituted as a Welsh National...

*The Alkali, &c., Works Regulation Act 1906*

- 8 Any dispensation which was granted under the proviso to subsection...

*The Public Records Act 1958*

- 9 (1) Such of the administrative and departmental records (in whatever...

*Status: Point in time view as at 31/03/2011.*

*Changes to legislation: Environment Act 1995 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)*

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*The Parliamentary Commissioner Act 1967*

- 10 (1) Nothing in this Act shall prevent the completion on...

*The Local Government Act 1974*

- 11 (1) Where for any year, a Rate Support Grant Report...  
12 (1) Nothing in this Act shall prevent the completion on...

*The Control of Pollution Act 1974*

- 13 As respects England and Wales, any resolution passed in pursuance...

*The Salmon and Freshwater Fisheries Act 1975*

- 14 (1) Any approval or certificate given under or by virtue...

*The Local Government Finance Act 1988*

- 15 (1) Without prejudice to the generality of subsection (4) of...

*The Environmental Protection Act 1990*

- 16 (1) Subject to sub-paragraph (2) below, if, at the transfer...  
17 If, at the transfer date, the content of the strategy...  
18 (1) This paragraph applies to— (a) any resolution of a...

*The Water Industry Act 1991*

- 19 (1) Where, before the coming into force of the repeal...

*The Water Resources Act 1991*

- 20 Notwithstanding any provision restricting the power of the Agency to...  
21 (1) This paragraph applies to any consent—  
Part II — TRANSITORY PROVISIONS IN RESPECT OF FLOOD DEFENCE

*Disqualification for membership of regional flood defence committee*

- 22 Where a person is disqualified for membership of a regional...

*Savings in relation to local flood defence schemes*

- 23 (1) In any case where— (a) immediately before the coming...

*Interpretation*

- 24 In this Part of this Schedule, “the Consequential Provisions Act”...

SCHEDULE 24 — Repeals and revocations

**Status:**

Point in time view as at 31/03/2011.

**Changes to legislation:**

Environment Act 1995 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.