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Environment Act 1995

1995 CHAPTER 25

PART V **U.K.**

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Miscellaneous and supplemental

VALID FROM 01/02/1996

119 Stamp duty. **E+W+S**

- (1) No transfer effected by Part I of this Act shall give rise to any liability to stamp duty.
- (2) Stamp duty shall not be chargeable—
 - (a) on any transfer scheme; or
 - (b) on any instrument or agreement which is certified to the Commissioners of Inland Revenue by the Secretary of State as made in pursuance of a transfer scheme.
- (3) No transfer scheme, and no instrument which is certified as mentioned in subsection (2)(b) above, shall be taken to be duly stamped unless—
 - (a) it has, in accordance with section 12 of the ^{M1}Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped; or
 - (b) it is stamped with the duty to which it would be liable, apart from this section.
- (4) In this section “transfer scheme” means a scheme made or approved by the Secretary of State under section 3 or 22 above for the transfer of property, rights or liabilities to the Agency or to SEPA.

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Marginal Citations

M1 1891 c. 39.

120 Minor and consequential amendments, transitional and transitory provisions, savings and repeals. **U.K.**

- (1) The enactments mentioned in Schedule 22 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on provisions of this Act); and, without prejudice to any power conferred by any other provision of this Act, the Secretary of State and the Minister shall each have power by regulations to make such additional consequential amendments—
 - (a) of public general enactments passed before, or in the same Session as, this Act, and
 - (b) of subordinate legislation made before the passing of this Act,
 as he considers necessary or expedient by reason of the coming into force of any provision of this Act.
- (2) The transitional provisions, transitory provisions and savings contained in Schedule 23 to this Act shall have effect; but those provisions are without prejudice to sections 16 and 17 of the ^{M2}Interpretation Act 1978 (effect of repeals).
- (3) The enactments mentioned in Schedule 24 to this Act (which include some that are spent or no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.
- (4) The power to make regulations under subsection (1) above shall be exercisable by statutory instrument; and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The power to make regulations under subsection (1) above includes power to make such incidental, supplemental, consequential and transitional provision as the Secretary of State or the Minister thinks necessary or expedient.
- (6) In this section—

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“subordinate legislation” has the same meaning as in the ^{M3}Interpretation Act 1978.

Commencement Information

- II** S. 120 partly in force; S. 120(1) in force for specified purposes at Royal Assent see s. 125(3); s. 120(4)-(6) and s. 120(1) for further specified purposes in force at 28.7.1995 by S.I. 1995/1983, **art. 2**; s. 120(1)(3) in force for further specified purposes at 21.9.1995 by S.I. 1995/1983, **art. 3**; s. 120(2)(3) in force for further specified purposes at 1.1.1999 by S.I. 1995/1983, **art. 4**; s. 120(1) in force for further specified purposes at 12.10.1995 by S.I. 1995/2649, **art. 2(j)**; s. 120(3) in force for further specified purposes at 1.11.1995 by S.I. 1995/2765, **art. 2**; s. 120(1)(3) in force for further specified purposes at 1.2.1996 by S.I. 1996/186, **art. 2**; s. 120(1)-(3) in force for further specified purposes at 1.4.1996 by S.I. 1996/186, **art. 3** (with **art. 4**); s. 120(3) in force for further specified purposes at 1.4.1997 by S.I. 1996/2560, **art. 2**; s. 120(3) in force for further specified purposes at 1.1.1997 by S.I. 1996/2857, **art. 2**; s. 120(1) in force for further specified purposes at 21.11.1996 by S.I.

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1996/2909, **art. 2** (with **art. 4**); s. 120(1)(3) in force for further specified purposes at 31.12.1996 by S.I. 1996/2909, **art. 3** (subject to **art. 4**); s. 120(1) in force for further specified purposes at 23.12.1997 by S.I. 1997/3044, **art. 2**; s. 120(1) in force for further specified purposes at 1.4.1998 by S.I. 1998/604, **art. 2**; s. 120(1) in force for further specified purposes at 16.3.1999 by S.I. 1999/803, **art. 2**; s. 120(1) in force for further specified purposes at 1.4.1999 by S.I. 1999/803, **art. 3**; s. 120(1) in force for further specified purposes at 29.4.1999 by S.I. 1999/1301, **art. 2**; s. 120(1)(3) in force for E. for further specified purposes at 1.4.2000 by S.I. 2000/340, **art. 2(b)(c)** (with **art. 3**); s. 120(1)(3) in force for S. for further specified purposes at 14.7.2000 by S.S.I. 2000/180, **art. 2(1)(b)(c)** (with **art. 3**); s. 120(1) in force for S. for further specified purposes at 1.1.2001 by S.S.I. 2000/433, **art. 2**; s. 120(1)(3) in force for W. for further specified purposes at 15.9.2001 by S.I. 2001/3211, **art. 2(b)** (with **art. 3**)

Marginal Citations

M2 1978 c. 30.

M3 1978 c.30.

VALID FROM 28/07/1995

121 Local statutory provisions: consequential amendments etc. **E+W+S**

- (1) If it appears to the Secretary of State or the Minister to be appropriate to do so—
 - (a) for the purposes of, or in consequence of, the coming into force of any enactment contained in this Act; or
 - (b) in consequence of the effect or operation at any time after the transfer date of any such enactment or of anything done under any such enactment,he may by order repeal, amend or re-enact (with or without modifications) any local statutory provision, including, in the case of an order by virtue of paragraph (b) above, a provision amended by virtue of paragraph (a) above.
- (2) An order made by the Secretary of State or the Minister under subsection (1) above may—
 - (a) make provision applying generally in relation to local statutory provisions of a description specified in the order;
 - (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;
 - (c) contain such supplemental, consequential and transitional provision as the Secretary of State or, as the case may be, the Minister considers appropriate; and
 - (d) in the case of an order made after the transfer date, require provision contained in the order to be treated as if it came into force on that date.
- (3) The power under this section to repeal or amend a local statutory provision shall include power to modify the effect in relation to any local statutory provision of any provision of Schedule 23 to this Act.
- (4) Nothing in any order under this section may abrogate or curtail the effect of so much of any local statutory provision as confers any right of way or confers on or preserves for the public—
 - (a) any right of enjoyment of air, exercise or recreation on land; or
 - (b) any right of access to land for the purposes of exercise or recreation.

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- (5) The power to make an order under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make an order under subsection (1) above shall be without prejudice to any power conferred by any other provision of this Act.
- (7) In this section—
- “local statutory provision” means—
- (a) a provision of a local Act (including an Act confirming a provisional order);
 - (b) a provision of so much of any public general Act as has effect with respect to a particular area, with respect to particular persons or works or with respect to particular provisions falling within any paragraph of this definition;
 - (c) a provision of an instrument made under any provision falling within paragraph (a) or (b) above; or
 - (d) a provision of any other instrument which is in the nature of a local enactment;
- “the Minister” means the Minister of Agriculture, Fisheries and Food;
- “the transfer date” has the same meaning as in Part I of this Act.

VALID FROM 28/07/1995

122 Directions. E+W+S

- (1) Any direction given under this Act shall be in writing.
- (2) Any power conferred by this Act to give a direction shall include power to vary or revoke the direction.
- (3) Subsections (4) and (5) below apply to any direction given—
 - (a) to the Agency or SEPA under any provision of this Act or any other enactment, or
 - (b) to any other body or person under any provision of this Act,
 being a direction to any extent so given for the purpose of implementing any obligations of the United Kingdom under the Community Treaties.
- (4) A direction to which this subsection applies shall not be varied or revoked unless, notwithstanding the variation or revocation, the obligations mentioned in subsection (3) above, as they have effect for the time being, continue to be implemented, whether by directions or any other instrument or by any enactment.
- (5) Any variation or revocation of a direction to which this subsection applies shall be published in such manner as the Minister giving it considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by them; and—
 - (a) copies of the variation or revocation shall be made available to the public; and

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- (b) notice of the variation or revocation, and of where a copy of the variation or revocation may be obtained, shall be given—
 - (i) if the direction has effect in England and Wales, in the London Gazette;
 - (ii) if the direction has effect in Scotland, in the Edinburgh Gazette.

VALID FROM 28/07/1995

123 Service of documents. **E+W+S**

- (1) Without prejudice to paragraph 17(2)(d) of Schedule 7 to this Act, any notice required or authorised by or under this Act to be served (whether the expression “serve” or the expression “give” or “send” or any other expression is used) on any person may be served by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (2) Any such notice may—
 - (a) in the case of a body corporate, be served on the secretary or clerk of that body;
 - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.
- (3) For the purposes of this section and of section 7 of the ^{M4}Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom any such notice is to be served shall be his last known address, except that—
 - (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
 - (b) in the case of a partnership or person having the control or the management of the partnership business, it shall be the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (4) If the person to be served with any such notice has specified an address in the United Kingdom other than his proper address within the meaning of subsection (3) above as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the ^{M5}Interpretation Act 1978 as his proper address.
- (5) Where under any provision of this Act any notice is required to be served on a person who is, or appears to be, in occupation of any premises then—
 - (a) if the name or address of such a person cannot after reasonable inquiry be ascertained, or
 - (b) if the premises appear to be or are unoccupied,that notice may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the premises or by leaving it conspicuously affixed to some building or object on the premises.
- (6) This section shall not apply to any notice in relation to the service of which provision is made by rules of court.

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(7) The preceding provisions of this section shall apply to the service of a document as they apply to the service of a notice.

(8) In this section—

“premises” includes any land, vehicle, vessel or mobile plant;

“serve” shall be construed in accordance with subsection (1) above.

Modifications etc. (not altering text)

- C1** S. 123 applied (with modifications) (1.4.1999) by [S.I. 1998/2746, reg. 16\(2\)](#)
S. 123 applied (E.W.) (4.5.2000) by [S.I. 2000/1043, reg. 2\(3\)](#)

Marginal Citations

- M4** [1978 c.30.](#)
M5 [1978 c. 30.](#)

VALID FROM 28/07/1995

124 General interpretation. E+W+S

(1) In this Act, except in so far as the context otherwise requires—

“the Agency” means the Environment Agency;

“financial year” means a period of twelve months ending with 31st March;

“functions” includes powers and duties;

“modifications” includes additions, alterations and omissions and cognate expressions shall be construed accordingly;

“notice” means notice in writing;

“records”, without prejudice to the generality of the expression, includes computer records and any other records kept otherwise than in a document;

“SEPA” means the Scottish Environment Protection Agency.

(2) The amendment by this Act of any provision contained in subordinate legislation shall not be taken to have prejudiced any power to make further subordinate legislation amending or revoking that provision.

(3) In subsection (2) above, “subordinate legislation” has the same meaning as in the ^{M6}Interpretation Act 1978.

Marginal Citations

- M6** [1978 c. 30.](#)

125 Short title, commencement, extent, etc. U.K.

(1) This Act may be cited as the Environment Act 1995.

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- (2) Part III of this Act, except for section 78, paragraph 7(2) of Schedule 7 and Schedule 10, shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) Except as provided in subsection (2) above and except for this section, section 74 above and paragraphs 76(8)(a) and 135 of Schedule 22 to this Act (which come into force on the passing of this Act) and the repeal of sub-paragraph (1) of paragraph 22 of Schedule 10 to this Act (which comes into force in accordance with sub-paragraph (7) of that paragraph) this Act shall come into force on such day as the Secretary of State may specify by order made by statutory instrument; and different days may be so specified for different provisions or for different purposes of the same provision.
- (4) Without prejudice to the ^{M7}provisions of Schedule 23 to this Act, an order under subsection (3) above may make such transitional provisions and savings as appear to the ^{M8}Secretary of State necessary or expedient in connection with any provision brought into force by the ^{M9}order.
- (5) The power conferred by subsection (4) above includes power to modify any enactment contained in this or any other Act.
- (6) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M10}Northern Ireland Act 1974 (legislation for Northern Ireland in the ^{M11}interim period) which states that it is made only for purposes corresponding to those of section 98 of this Act—
 - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Except for this section and any amendment or repeal by this Act of any provision contained in—
 - (a) the Parliamentary Commissioner Act 1967,
 - (b) the Sea Fish (Conservation) Act 1967,
 - (c) the House of Commons Disqualification Act 1975, or
 - (d) the Northern Ireland Assembly Disqualification Act 1975,this Act shall not extend to Northern Ireland.
- (8) Part III of this Act, and Schedule 24 to this Act so far as relating to that Part, extends to England and Wales only.
- (9) Section 106 of, and Schedule 16 to, this Act extend to Scotland only.
- (10) Subject to the foregoing provisions of this section and to any express provision made by this Act to the contrary, any amendment, repeal or revocation made by this Act shall have the same extent as the enactment or instrument to which it relates.

Subordinate Legislation Made

- P1** [S. 125\(3\)\(4\)](#) power partly exercised: 15.9.2001 appointed for W. for specified provisions by [S.I. 2001/3211](#), [art. 2](#)
- P2** [S. 125\(3\)](#) power partly exercised (21.7.1995): different dates appointed for specified provisions by [S.I. 1995/1983](#), [arts. 2-4](#)
[S. 125\(3\)](#) power partly exercised (5.10.1995): 12.10.1995 appointed for specified provisions by [S.I. 1995/2649](#), [art. 2\(j\)](#)

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- S. 125(3) power partly exercised (24.10.1995): 1.11.1995 appointed for specified provisions by S.I. 1995/2765, **art. 2**
- S. 125(3) power partly exercised (16.11.1995): different dates appointed for specified provisions by S.I. 1995/2950, **arts. 2(1), 3(1)** (subject to **arts. 2(2), 3(2)**) (which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, **art. 3**)
- S. 125(3) power partly exercised (31.1.1996): different dates appointed for specified provisions by S.I. 1996/186, **arts. 2, 3** (with **art. 4**)
- S. 125(3) power partly exercised (7.10.1996): 1.4.1997 appointed for specified provisions by S.I. 1996/2560, **art. 2**
- S. 125(3) power partly exercised (8.11.1996): 1.1.1997 appointed for specified provisions by S.I. 1996/2857, **art. 2**
- S. 125(3) power partly exercised (20.11.1996): different dates appointed for specified provisions by S.I. 1996/2909, **arts. 2, 3** (subject to **art. 4**)
- S. 125(3) power partly exercised (27.6.1997): 1.7.1997 appointed for specified provisions by S.I. 1997/1626, **art. 2** (with transitional provisions in **art. 3**)
- S. 125(3) power partly exercised (16.12.1997): 23.12.1997 appointed for specified provisions by S.I. 1997/3044, **art. 2**
- S. 125(3) power partly exercised (4.3.1998): different dates appointed for specified provisions by S.I. 1998/604, **arts. 2, 3**
- S. 125(3) power partly exercised (11.3.1998): 8.4.1998 appointed for specified provisions by S.I. 1998/781, **art. 2** (with transitional provisions in **art. 3**)
- S. 125(3) power partly exercised (22.12.1998): 1.1.1999 appointed for specified provisions by S.I. 1998/3272, **art. 2**
- S. 125(3) power partly exercised (15.3.1999): different dates appointed for specified provisions by S.I. 1999/803, **arts. 2, 3**
- S. 125(3) power partly exercised (27.4.1999): 29.4.1999 appointed for specified provisions by S.I. 1999/1301, **art. 2**
- S. 125(3) power partly exercised (2.2.2000): 1.4.2000 appointed for E. for specified provisions by S.I. 2000/340, **art. 2** (with **art. 3**)
- S. 125(3) power partly exercised (12.6.2000): 14.7.2000 appointed for S. for specified provisions by S.S.I. 2000/180, **art. 2(1)** (subject to **art. 2(2)**, with **art. 3**)
- S. 125(3) power partly exercised (12.7.2000): 14.7.2000 appointed for S. for specified provisions by S.I. 2000/1986, **art. 2**
- S. 125(3) power partly exercised (29.11.2000): 1.1.2001 appointed for S. for specified provisions by S.S.I. 2000/433, **art. 2**

Marginal Citations

- M7** 1975 c. 35.
M8 1975 c. 24.
M9 1967 c. 84.
M10 1974 c. 28.
M11 1967 c. 13.

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