



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Miscellaneous and supplemental

121 Local statutory provisions: consequential amendments etc.

- (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.

Status: Point in time view as at 16/05/2017.

Changes to legislation: *Environment Act 1995, Section 121 is up to date with all changes known to be in force on or before 14 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)*

- (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.
- (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.

Status:

Point in time view as at 16/05/2017.

Changes to legislation:

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