



# Environment Act 1995

## 1995 CHAPTER 25

### PART I **E+W+S**

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

### CHAPTER I **E+W+S**

#### THE ENVIRONMENT AGENCY

##### *Transfer of functions, property etc. to the Agency*

## 2 **Transfer of functions to the Agency.** **E+W+S**

- (1) On the transfer date there shall by virtue of this section be transferred to the Agency—
- (a) the functions of the National Rivers Authority, that is to say—
    - (i) its functions under or by virtue of Part II (water resources management) of the <sup>M1</sup>Water Resources Act 1991 (in this Part referred to as “the 1991 Act”);
    - (ii) its functions under or by virtue of Part III of that Act (control of pollution of water resources);
    - (iii) its functions under or by virtue of Part IV of that Act (flood defence) and the <sup>M2</sup>Land Drainage Act 1991 and the functions transferred to the Authority by virtue of section 136(8) of the <sup>M3</sup>Water Act 1989 and paragraph 1(3) of Schedule 15 to that Act (transfer of land drainage functions under local statutory provisions and subordinate legislation);
    - (iv) its functions under or by virtue of Part VII of the 1991 Act (land and works powers);
    - (v) its functions under or by virtue of <sup>F1</sup>... the <sup>M4</sup>Sea Fisheries Regulation Act 1966, the <sup>M5</sup>Salmon and Freshwater Fisheries Act 1975, Part V of the 1991 Act or any other enactment relating to fisheries;

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- (vi) the functions as a navigation authority, harbour authority or conservancy authority which were transferred to the Authority by virtue of Chapter V of Part III of the <sup>M6</sup>Water Act 1989 or paragraph 23(3) of Schedule 13 to that Act or which have been transferred to the Authority by any order or agreement under Schedule 2 to the 1991 Act;
  - (vii) its functions under Schedule 2 to the 1991 Act;
  - (viii) the functions assigned to the Authority by or under any other enactment, apart from this Act;
- (b) the functions of waste regulation authorities, that is to say, the functions conferred or imposed on them by or under—
- (i) the <sup>M7</sup>Control of Pollution (Amendment) Act 1989, or
  - (ii) Part II of the <sup>M8</sup>Environmental Protection Act 1990 (in this Part referred to as “the 1990 Act”),
- or assigned to them by or under any other enactment, apart from this Act;
- (c) the functions of disposal authorities under or by virtue of the waste regulation provisions of the <sup>M9</sup>Control of Pollution Act 1974;
- (d) the functions of the chief inspector for England and Wales constituted under section 16(3) of the 1990 Act, that is to say, the functions conferred or imposed on him by or under Part I of that Act or assigned to him by or under any other enactment, apart from this Act;
- (e) the functions of the chief inspector for England and Wales appointed under section 4(2)(a) of the <sup>M10</sup>Radioactive Substances Act 1993, that is to say, the functions conferred or imposed on him by or under that Act or assigned to him by or under any other enactment, apart from this Act;
- (f) the functions conferred or imposed by or under the <sup>M11</sup>Alkali, &c, Works Regulation Act 1906 (in this section referred to as “the 1906 Act”) on the chief, or any other, inspector (within the meaning of that Act), so far as exercisable in relation to England and Wales;
- (g) so far as exercisable in relation to England and Wales, the functions in relation to improvement notices and prohibition notices under Part I of the <sup>M12</sup>Health and Safety at Work etc. Act 1974 (in this section referred to as “the 1974 Act”) of inspectors appointed under section 19 of that Act by the Secretary of State in his capacity as the enforcing authority responsible in relation to England and Wales for the enforcement of the 1906 Act and section 5 of the 1974 Act; and
- (h) the functions of the Secretary of State specified in subsection (2) below.
- (2) The functions of the Secretary of State mentioned in subsection (1)(h) above are the following, that is to say—
- (a) so far as exercisable in relation to England and Wales, his functions under section 30(1) of the <sup>M13</sup>Radioactive Substances Act 1993 (power to dispose of radioactive waste);
  - (b) his functions under Chapter III of Part IV of the <sup>M14</sup>Water Industry Act 1991 in relation to special category effluent, within the meaning of that Chapter, other than any function of making regulations or of making orders under section 139 of that Act;
  - (c) so far as exercisable in relation to England and Wales, the functions conferred or imposed on him by virtue of his being, for the purposes of Part I of the 1974

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Act, the authority which is by any of the relevant statutory provisions made responsible for the enforcement of the 1906 Act and section 5 of the 1974 Act;

- (d) so far as exercisable in relation to England and Wales, his functions under, or under regulations made by virtue of, section 9 of the 1906 Act (registration of works), other than any functions of his as an appellate authority or any function of making regulations;
- (e) so far as exercisable in relation to England and Wales, his functions under regulations 7(1) and 8(2) of, and paragraph 2(2)(c) of Schedule 2 to, the <sup>M15</sup>Sludge (Use in Agriculture) Regulations 1989 (which relate to the provision of information and the testing of soil).

<sup>F2</sup>(3) .....

**Textual Amendments**

- F1** Words in s. 2(1)(a)(v) omitted (E.W.) (27.3.2009) by virtue of [The Aquatic Animal Health \(England and Wales\) Regulations 2009 \(S.I. 2009/463\)](#), reg. 1(2), **Sch. 2 para. 9(a)** (with reg. 2(2)) and words in s. 2(1)(a)(v) omitted (S.) (27.3.2009) by virtue of [The Aquatic Animal Health \(Scotland\) Regulations 2009 \(S.S.I. 2009/85\)](#), reg. 1(2)(c), **sch. 2 para. 9(a)** (with reg. 2.)
- F2** S. 2(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 13**

**Marginal Citations**

- M1** 1991 c. 57.
- M2** 1991 c. 59.
- M3** 1989 c. 15.
- M4** 1966 c. 38.
- M5** 1975 c. 51.
- M6** 1989 c. 15.
- M7** 1989 c. 14.
- M8** 1990 c. 43.
- M9** 1974 c. 40.
- M10** 1993 c. 12.
- M11** 1906 c. 14.
- M12** 1974 c. 37.
- M13** 1993 c. 12.
- M14** 1991 c. 56.
- M15** S.I. 1989/1263.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 82(1A) inserted by [2024 asc 2 s. 16\(3\)](#)
- s. 83B inserted by [2024 asc 2 s. 17\(1\)](#)
- s. 85(3)(e)(f) inserted by [2024 asc 2 s. 18\(b\)](#)
- Sch. 7 para. 7(4A)(4B) inserted by [2007 c. 28 Sch. 14 para. 4\(3\)](#)