



# Environment Act 1995

## 1995 CHAPTER 25

### PART I

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

#### [<sup>F1</sup>CHAPTER 1A

#### GENERAL FUNCTIONS OF THE AGENCY AND THE NATURAL RESOURCES BODY FOR WALES]

### 9 Codes of practice with respect to environmental and recreational duties.

[<sup>F1</sup>(1) The appropriate national authority shall have power by order to approve any code of practice issued (whether by the appropriate national authority or by another person) for the purpose of—

- (a) giving practical guidance to an appropriate agency with respect to any of the matters for the purposes of which the provisions specified in subsection (5) have effect, and
- (b) promoting what appear to the appropriate national authority to be desirable practices by an appropriate agency with respect to those matters,

and may at any time by such an order approve a modification of such a code or withdraw its approval of such a code or modification.]

(2) In discharging its duties under [<sup>F2</sup>the provisions specified in subsection (5), an appropriate agency] shall have regard to any code of practice, and any modifications of a code of practice, for the time being approved under this section.

(3) [<sup>F3</sup>The Secretary of State shall not] make an order under this section unless he has first consulted—

- (a) the Agency;
- (b) [<sup>F4</sup>Natural England]<sup>F5</sup>...;
- (c) the Historic Buildings and Monuments Commission for England;

*Changes to legislation: Environment Act 1995, Section 9 is up to date with all changes known to be in force on or before 27 May 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) View outstanding changes*

- (d) the Sports Council <sup>F6</sup>...; and
- (e) such other persons as he considers it appropriate to consult.

[<sup>F7</sup>(3A) The Welsh Ministers shall not make an order under this section unless they have first consulted—

- (a) the Natural Resources Body for Wales;
- (b) the Sports Council for Wales; and
- (c) such other persons as they consider it appropriate to consult.]

(4) The power <sup>F8</sup>... to make an order under this section shall be exercisable by statutory instrument; and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament [<sup>F9</sup>(in the case of an order made by the Secretary of State) or of the National Assembly for Wales (in the case of an order made by the Welsh Ministers)].

[<sup>F10</sup>(5) The provisions referred to in subsections (1) and (2) are—

- (a) in relation to the Agency, sections 6(1), 7 and 8;
- (b) in relation to the Natural Resources Body for Wales—
  - (i) sections 6(1) and 8; and
  - (ii) articles 5A, 5C, 5D<sup>F11</sup>, 5E] and 5G of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I.2012/1903).]

#### Textual Amendments

- F1** S. 9(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(2)** (with Sch. 7)
- F2** Words in s. 9(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(3)** (with Sch. 7)
- F3** Words in s. 9(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(4)(a)** (with Sch. 7)
- F4** Words in s. 9(3)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 142**; S.I. 2006/2541, art. 2 (with Sch.)
- F5** Words in s. 9(3)(b) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(4)(b)** (with Sch. 7)
- F6** Words in s. 9(3)(d) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(4)(c)** (with Sch. 7)
- F7** S. 9(3A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(5)** (with Sch. 7)
- F8** Words in s. 9(4) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(6)(a)** (with Sch. 7)
- F9** Words in s. 9(4) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(6)(b)** (with Sch. 7)
- F10** S. 9(5) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 367(7)** (with Sch. 7)
- F11** Word in s. 9(5)(b)(ii) omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 6(2)**

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

- C1** S. 9(3) excluded (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**

**Changes to legislation:**

Environment Act 1995, Section 9 is up to date with all changes known to be in force on or before 27 May 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.

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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\(3\)](#)