

## Countryside and Rights of Way Act 2000 c. 37

### s. 85 General duty of public bodies etc.

Law In Force

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#### Subjects

Environment

#### Keywords

Areas of Outstanding Natural Beauty; Conservation; Powers rights and duties; Public authorities; Regulations

#### 85.— General duty of public bodies etc.

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(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

(A2) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a devolved Welsh authority must have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty [ in Wales]<sup>2</sup>, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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(1A) The Secretary of State may by regulations make provision about how a relevant authority is to comply with the duty under subsection (A1) (including provision about things that the authority may, must or must not do to comply with the duty).

]<sup>3</sup>

(2) The following are relevant authorities for the purposes of this section—

- (a) any Minister of the Crown,
- (b) any public body,
- (c) any statutory undertaker,
- (d) any person holding public office.

(3) In subsection (2)—

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"devolved Welsh authority" has the same meaning as in the [Government of Wales Act 2006](#) (see, in particular, [section 157A](#) of that Act);

] <sup>4</sup>

"public body" includes

- (a) a county council, county borough council, district council, parish council or community council;
- (b) a joint planning board within the meaning of [section 2](#) of the [Town and Country Planning Act 1990](#);
- (c) a joint committee appointed under [section 102\(1\)\(b\)](#) of the [Local Government Act 1972](#);

[...] <sup>5</sup> [

- (e) a corporate joint committee established by regulations made under [Part 5](#) of the [Local Government and Elections \(Wales\) Act 2021](#);

] <sup>6</sup>

"public office" means—

- (a) an office under Her Majesty;
- (b) an office created or continued in existence by a public general Act; or
- (c) an office the remuneration in respect of which is paid out of money provided by Parliament.

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"statutory undertaker" means a person—

- (a) who is or is deemed to be a statutory undertaker for the purposes of [Part 11](#) of the [Town and Country Planning Act 1990](#), or
- (b) who holds a gas system planner licence under [section 7AA](#) of the [Gas Act 1986](#).

] <sup>7</sup>

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## Notes

- <sup>1</sup> Added by Levelling-up and Regeneration Act 2023 c. 55 [Pt 12 s.245\(6\)\(a\)](#) (December 26, 2023)
  - <sup>2</sup> Words inserted by Levelling-up and Regeneration Act 2023 c. 55 [Pt 12 s.245\(6\)\(b\)](#) (December 26, 2023)
  - <sup>3</sup> Added by Levelling-up and Regeneration Act 2023 c. 55 [Pt 12 s.245\(6\)\(c\)](#) (December 26, 2023)
  - <sup>4</sup> Definition inserted by Levelling-up and Regeneration Act 2023 c. 55 [Pt 12 s.245\(6\)\(d\)](#) (December 26, 2023)
  - <sup>5</sup> Repealed by Local Government and Elections (Wales) Act 2021 asc. 1 [Sch.9\(1\) para.37](#) (January 21, 2021)
  - <sup>6</sup> Added by Countryside and Rights of Way Act 2000 (Meaning of Public Body) (Wales) Regulations 2021/1355 [reg.2](#) (December 3, 2021)
  - <sup>7</sup> Definition substituted by Energy Act 2023 (Consequential Amendments) Regulations 2024/706 [Pt 3 reg.15](#) (October 1, 2024 immediately after the coming into force of 2023 c.52 s.166(2))
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*Part IV AREAS OF OUTSTANDING NATURAL BEAUTY > s. 85 General duty of public bodies etc.*

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