



# Natural Environment and Rural Communities Act 2006

## CHAPTER 16

### NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

#### PART 1

#### NATURAL ENGLAND AND THE COMMISSION FOR RURAL COMMUNITIES

#### CHAPTER 1

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- 42 Biodiversity lists and action (Wales)

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- 48 Birds released into the wild as part of re-population programme
- 49 Registration etc. of certain captive birds

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- 51 Codes of practice in connection with invasive non-native species

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**CHAPTER 2**

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## SCHEDULES

### SCHEDULE 1 — Natural England

1	Status
2	Subject to paragraph 22 (nature reserves), Natural England is not...
3	Membership
4	The Secretary of State may appoint one of the members...
5	Term of office
6	A member may resign by giving written notice to the...
7	The Secretary of State may remove a member who—
8	A person ceases to be chairman or deputy chairman if...
9	A person who— (a) ceases to be a member, or...
10	Remuneration and pensions etc.
11	If required to do so by the Secretary of State,...
12	(1) This paragraph applies if— (a) a person ceases to...
13	Staff
14	Natural England may appoint other employees.
15	If required to do so by the Secretary of State,...
16	(1) Employment with Natural England is to be included among...
17	Procedure
18	No proceeding is invalidated by— (a) a vacancy in the...
19	Discharge of functions
20	Membership of committees and sub-committees
21	Application of seal and proof of documents
22	Nature reserves
23	Reports, accounts etc.
24	(1) Natural England must keep proper accounts and proper records...
25	The Secretary of State must lay before each House of...
26	(1) Natural England must provide the Secretary of State with...

### SCHEDULE 2 — Commission for Rural Communities

1	Status
2	The Commission is not to be regarded—
3	Membership
4	The Secretary of State may appoint one of the members...
5	Term of office
6	A member may resign by giving written notice to the...
7	The Secretary of State may remove a member who—
8	A person ceases to be chairman or deputy chairman if...
9	A person who— (a) ceases to be a member, or...
10	Remuneration and pensions etc.
11	If required to do so by the Secretary of State,...
12	(1) This paragraph applies if— (a) a person ceases to...
13	Staff
14	The Commission may appoint other employees.
15	If required to do so by the Secretary of State,...
16	(1) Employment with the Commission is to be included among...
17	Procedure

- 18 No proceeding is invalidated by— (a) a vacancy in the...
- 19 Discharge of functions
- 20 Membership of committees and sub-committees
- 21 Application of seal and proof of documents
- 22 Reports, accounts etc.
- 23 (1) The Commission must keep proper accounts and proper records...
- 24 The Secretary of State must lay before each House of...
- 25 (1) The Commission must provide the Secretary of State with...

#### SCHEDULE 3 — Transfer schemes

- 1 Creation and apportionment of property, rights and liabilities etc.
- 2 (1) A scheme may provide for the transfer of property,...
- 3 A certificate by the Secretary of State that anything specified...
- 4 Employment contracts
- 5 (1) Rights and liabilities under a contract of employment are...
- 6 Nothing in this Schedule affects any right a person has...
- 7 Civil servants treated as employed under a contract of employment etc.
- 8 Compensation
- 9 Continuity
- 10 Anything which— (a) is done by the transferor for the...
- 11 There may be continued by or in relation to the...
- 12 (1) This paragraph applies to any document—
- 13 Incidental provision

#### SCHEDULE 4 — Joint Nature Conservation Committee

- 1 Membership
- 2 The members appointed by the Secretary of State must not...
- 3 (1) The members appointed by the Secretary of State must...
- 4 Term of office of members appointed by Secretary of State
- 5 A member appointed by the Secretary of State may resign...
- 6 The Secretary of State may remove a member appointed by...
- 7 Remuneration and allowances etc.
- 8 If required to do so by the Secretary of State,...
- 9 (1) This paragraph applies if— (a) a person ceases to...
- 10 Staff: general
- 11 The joint committee must pay to its employees such remuneration...
- 12 The joint committee may— (a) pay such pensions, gratuities or...
- 13 Formation of company
- 14 Funding
- 15 (1) The Secretary of State may make grants to the...
- 16 Procedure
- 17 Discharge of functions
- 18 Annual reports
- 19 Interpretation

#### SCHEDULE 5 — Enforcement powers in connection with wildlife

##### Part 1 — AMENDMENTS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

- 1 After section 18 insert— Wildlife inspectors (1) In this Part, “wildlife inspector” means a person authorised...
- 2 (1) Amend section 19 (powers of constables to stop, search,...
- 3 After section 19 insert— Constables' powers in connection with samples...

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- 4 Omit sections 19ZA (enforcement: wildlife inspectors) and 19ZB  
(power to...
- 5 (1) Amend section 21 (penalties etc.) as follows.
- 6 In section 27 (interpretation of Part 1), in subsection (1),...
- Part 2 — POWERS OF WILDLIFE INSPECTORS EXTENDED TO CERTAIN  
OTHER ACTS
- 7 Introduction
- 8 Destructive Imported Animals Act 1932 (c. 12)
- 9 Conservation of Seals Act 1970 (c. 30)
- 10 Deer Act 1991 (c. 54)
- 11 Protection of Badgers Act 1992 (c. 51)
- Part 3 — CODES OF PRACTICE
- 12 (1) The Secretary of State may— (a) issue a code...
- Part 4 — CONSTABLE’S SEARCH WARRANT POWER EXTENDED TO CERTAIN  
OTHER ACTS
- 13 (1) Section 19(3) of the 1981 Act (issue of search...
- SCHEDULE 6 — Wildlife offences: time limits for proceedings
- 1 Destructive Imported Animals Act 1932 (c. 12)
- 2 Conservation of Seals Act 1970 (c. 30)
- 3 Wildlife and Countryside Act 1981 (c. 69)
- 4 After section 51 insert— Summary prosecutions (1) Proceedings in  
England and Wales for a summary offence...
- 5 Deer Act 1991 (c. 54)
- 6 Protection of Badgers Act 1992 (c. 51)
- SCHEDULE 7 — Designated bodies
- 1 A conservation board for an area of outstanding natural beauty...
- 2 A joint committee of two or more local authorities which...
- 3 A local authority (as defined by section 86).
- 4 A National Park authority established for a National Park in...
- 5 The Board of Trustees of the Royal Botanic Gardens, Kew....
- 6 The British Potato Council.
- 7 The British Waterways Board.
- 8 The Broads Authority.
- 9 The Commission for Rural Communities.
- 10 The Environment Agency.
- 11 Food From Britain.
- 12 The Forestry Commissioners.
- 13 The Gangmasters' Licensing Authority.
- 14 The Historic Buildings and Monuments Commission for England.
- 15 The Home-Grown Cereals Authority.
- 16 The Horticultural Development Council.
- 17 The Meat and Livestock Commission.
- 18 The Milk Development Council.
- 19 The National Forest Company.
- 20 Natural England.
- 21 The Seafish Industry Authority.
- 22 The Wine Standards Board.
- SCHEDULE 8 — Agricultural etc. boards
- 1 Status
- 2 A board is not to be regarded—



- 3 Membership
- 4 The appropriate authority may appoint one of the members to...
- 5 A section 87 order may include provision as to qualification...
- 6 Term of office
- 7 Remuneration and pensions
- 8 Staff
- 9 Reports, accounts etc.
- 10 A section 87 order must include provision—
- 11 A section 87 order may include provision requiring any documents...

#### SCHEDULE 9 — Functions which may be assigned to boards

- 1 Promoting or undertaking scientific research.
- 2 (1) Promoting or undertaking inquiry— (a) as to materials and...
- 3 Promoting the production and marketing of standard products.
- 4 Promoting the better definition of trade descriptions and consistency in...
- 5 Developing, promoting, marketing or operating— (a) standards relating to the...
- 6 Developing, reviewing or operating schemes for the certification of products...
- 7 Undertaking the certification of products, the registration of certification trade...
- 8 Providing or promoting the provision of— (a) training for persons...
- 9 (1) Promoting— (a) the adoption of measures for securing safer...
- 10 Promoting or undertaking research into the incidence, prevention and cure...
- 11 Promoting or undertaking arrangements for encouraging the entry of persons...
- 12 Promoting or undertaking research for improving arrangements for marketing and...
- 13 Promoting or undertaking research into matters relating to the consumption...
- 14 Promoting arrangements— (a) for co-operative organisations, (b) for supplying materials...
- 15 Promoting the development of export trade, including promoting or undertaking...
- 16 Promoting or undertaking arrangements for better acquainting the public in...
- 17 Promoting or undertaking the collection and formulation of statistics.
- 18 Advising on any matters relating to the industry (other than...
- 19 Undertaking arrangements for making available information obtained, and for advising,...

#### SCHEDULE 10 — Ancillary provisions relating to boards

- 1 Acting through subsidiaries
- 2 Registers, returns and other information
- 3 Investigative powers
- 4 Reserve funds etc.
- 5 Levies
- 6 Power to charge for services
- 7 Incidental powers
- 8 Approval of appropriate authority, consultation etc.
- 9 Offences

## SCHEDULE 11 — Minor and consequential amendments

## Part 1 — GENERAL

- 1 Destructive Imported Animals Act 1932 (c. 12)
- 2 Hill Farming Act 1946 (c. 73)
- 3 In section 34 (power to enter on and inspect land),...
- 4 Industrial Organisation and Development Act 1947 (c. 40)
- 5 (1) Amend section 9 (levies for certain purposes for industries...
- 6 National Parks and Access to the Countryside Act 1949 (c. 97)
- 7 (1) Amend section 1 (the Countryside Agency and the Countryside...
- 8 (1) Amend section 3 (power of Minister to give directions...
- 9 In section 4A (application of Part 2 in Wales), in...
- 10 In each of the following provisions for “the Agency” substitute...
- 11 (1) Amend section 6 (general duties of Agency in relation...
- 12 For section 15 (meaning of “nature reserve”) substitute— Meaning of...
- 13 (1) Amend section 15A (meaning of “Nature Conservancy Council”) as...
- 14 (1) Amend section 16 (agreements for management of nature reserves)...
- 15 In each of the following provisions for “the Nature Conservancy...
- 16 In section 17 (compulsory acquisition of land for establishment of...
- 17 In section 18 (compulsory acquisition of land for maintenance of...
- 18 In section 19 (declarations as to what are nature reserves),...
- 19 In section 21 (establishment of nature reserves by local authorities),...
- 20 In section 50A (application of Part 4 in Wales), in...
- 21 In section 64 (access agreements), omit subsection (5).
- 22 In the heading to section 85 (general duty of Commission...
- 23 In the heading to section 86 (information services to be...
- 24 In section 114 (interpretation), in subsection (1), omit the definition...
- 25 In Schedule 1 (provisions as to making, confirmation, coming into...
- 26 Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)
- 27 Agricultural Marketing Act 1958 (c. 47)
- 28 (1) Amend section 20 (directions by Ministers to boards as...
- 29 (1) Amend section 21 (temporary directions by Ministers) as follows....
- 30 (1) Amend section 32 (general provisions as to commissions and...
- 31 In section 47 (restrictions on disclosing certain information obtained under...
- 32 In section 53 (provisions as to Northern Ireland), in subsection...
- 33 In Schedule 3 (matters referred to in the definition of...
- 34 Public Records Act 1958 (c. 51)
- 35 Cereals Marketing Act 1965 (c. 14)
- 36 In section 17 (offences in relation to scheme under section...
- 37 Superannuation Act 1965 (c. 74)
- 38 Sea Fisheries Regulation Act 1966 (c. 38)
- 39 Parliamentary Commissioner Act 1967 (c. 13)
- 40 Agriculture Act 1967 (c. 22)
- 41 Countryside Act 1968 (c. 41)
- 42 For section 1 (general functions of the Countryside Agency and...
- 43 (1) Amend section 2 (new functions of the Agency) as...
- 44 (1) Amend section 4 (experimental projects or schemes) as follows....
- 45 In section 8 (country park: sailing, boating, bathing and fishing),...
- 46 (1) Amend section 12 (facilities in or near National Parks)...
- 47 In section 13 (lakes in national parks: control of boats...
- 48 (1) Amend section 15 (agreements in respect of areas of...
- 49 (1) Amend section 15A (compulsory purchase) as follows.

- 50 In section 23 (provision of facilities by Forestry Commissioners), in...
- 51 In section 37 (protection for interests in countryside) for “the...
- 52 In section 38 (avoidance of pollution), for “the Agency” substitute...
- 53 (1) Amend section 41 (power to make byelaws and related...
- 54 In section 45 (agreements with landowners), in subsection (1), omit...
- 55 (1) Amend section 46 (application of general provisions of 1949...
- 56 In section 49 (interpretation), in subsection (2), omit the definition...
- 57 Conservation of Seals Act 1970 (c. 30)
- 58 Superannuation Act 1972 (c. 11)
- 59 Local Government Act 1974 (c. 7)
- 60 House of Commons Disqualification Act 1975 (c. 24)
- 61 Race Relations Act 1976 (c. 74)
- 62 Import of Live Fish (England and Wales) Act 1980 (c. 27)
- 63 Highways Act 1980 (c. 66)
- 64 In section 119D (diversion of certain highways for protection of...
- 65 In section 119E (provisions supplementary to section 119D), in  
subsection...
- 66 In section 120 (exercise of powers of making public path...
- 67 In section 135A (temporary diversion for dangerous works), in  
subsection...
- 68 Animal Health Act 1981 (c. 22)
- 69 In section 22 (powers of entry for section 21), in...
- 70 Wildlife and Countryside Act 1981 (c. 69)
- 71 In section 15 (endangered species (import and export)), in subsection...
- 72 (1) Amend section 16 (power to grant licences) as follows....
- 73 (1) In section 21 (penalties, forfeitures, etc.), in subsections (4)...
- 74 (1) Amend section 22 (power to vary Schedules) as follows....
- 75 (1) Amend section 24 (functions of Nature Conservancy Council) as...
- 76 (1) Amend section 27 (interpretation of Part 1) as follows....
- 77 Omit section 27A (construction of references to Nature Conservancy  
Council)...
- 78 Before section 28 insert— Sites of special scientific interest and...
- 79 In sections 28 to 32 (which relate to sites of...
- 80 In section 28E (duties in relation to sites of special...
- 81 (1) Amend section 28G (statutory undertakers, etc.: general duty) as...
- 82 In section 33 (ministerial guidance as respects areas of special...
- 83 (1) Amend section 34 (limestone pavement orders) as follows.
- 84 Before section 35 insert— Nature reserves, marine nature reserves and...
- 85 In sections 35 to 37, for “the Nature Conservancy Council”...
- 86 In section 37A (Ramsar sites—wetlands of international importance), in  
subsections...
- 87 In section 39 (management agreements with owners and occupiers of...
- 88 (1) Amend section 41 (duties of agriculture Ministers with respect...
- 89 Before section 42 insert— Application of sections 42 to 45...
- 90 (1) Amend section 43 (maps of National Parks showing certain...
- 91 (1) Amend section 45 (power to vary orders designating National...
- 92 (1) Amend section 47 (provisions with respect to the Countryside...
- 93 In section 49 (extension of power to appoint wardens)—
- 94 (1) Amend section 50 (payments under certain agreements offered by...
- 95 (1) Amend section 51 (powers of entry) as follows.
- 96 In section 52 (interpretation of Part 2), in subsection (1),...
- 97 (1) Amend section 71 (general interpretation) as follows.

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- 98 Omit Schedule 13 (provisions with respect to the Countryside Agency)....
  - 99 Derelict Land Act 1982 (c. 42)
  - 100 Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))
  - 101 (1) Amend Article 29 (restrictions on disclosing certain information obtained...
  - 102 Miscellaneous Financial Provisions Act 1983 (c. 29)
  - 103 National Heritage Act 1983 (c. 47)
  - 104 Road Traffic Regulation Act 1984 (c. 27)
  - 105 Inheritance Tax Act 1984 (c. 51)
  - 106 General Consumer Council (Northern Ireland) Order 1984 (S.I. 1984/1822 (N.I. 12))
  - 107 Agriculture Act 1986 (c. 49)
  - 108 Channel Tunnel Act 1987 (c. 53)
  - 109 In Schedule 3 (planning permission), in paragraph 17(4), for paragraphs...
  - 110 Norfolk and Suffolk Broads Act 1988 (c. 4)
  - 111 In section 5 (notification of certain operations within the Broads),...
  - 112 In— (a) section 6 (byelaws: general), in subsection (4),
  - 113 In Schedule 2 (variation of area treated as the broads)—...
  - 114 In Schedule 3 (functions of Authority), in paragraph 33(1), for...
  - 115 Electricity Act 1989 (c. 29)
  - 116 Environmental Protection Act 1990 (c. 43)
  - 117 (1) For section 128 (creation and constitution of new Councils)...
  - 118 For section 129 (grants by Secretary of State to new...
  - 119 In section 130 (countryside functions of Welsh Council)—
  - 120 (1) Amend section 131 (nature conservation functions: preliminary) as follows....
  - 121 (1) Amend section 132 (general functions of the Councils) as...
  - 122 Omit section 133 (special functions of the Councils).
  - 123 (1) Amend section 134 (grants and loans by Councils) as...
  - 124 Omit sections 135 to 138 (dissolution of Nature Conservancy Council...
  - 125 In section 161 (regulations, orders and directions), in subsection (4) (b),...
  - 126 (1) Amend Schedule 6 as follows. (2) Omit paragraphs 1...
  - 127 Omit Schedules 7 (the Joint Nature Conservation Committee) and 10...
  - 128 Deer Act 1991 (c. 54)
  - 129 Water Industry Act 1991 (c. 56)
  - 130 In section 5 (codes of practice with respect to environmental...
  - 131 (1) Amend section 156 (restriction on disposals of land) as...
  - 132 In Schedule 1A (the Water Services Regulation Authority), omit paragraph...
  - 133 Water Resources Act 1991 (c. 57)
  - 134 Land Drainage Act 1991 (c. 59)
  - 135 In section 61E (codes of practice), in subsection (4)(b), for...
  - 136 Transport and Works Act 1992 (c. 42)
  - 137 Protection of Badgers Act 1992 (c. 51)
  - 138 Agriculture Act 1993 (c. 37)
  - 139 Agriculture (Northern Ireland) Order 1993 (S.I. 1993/2665 (N.I. 10))
  - 140 Environment Act 1995 (c. 25)
  - 141 (1) Amend section 8 (environmental duties with respect to sites...
  - 142 In section 9 (codes of practice with respect to environmental...

- 143 In section 66 (National Park Management Plans), in subsection (7)(a),...
- 144 In section 72 (National Park grant), in subsection (2), for...
- 145 In section 99 (consultation before making or modifying certain subordinate...
- 146 In Schedule 7 (National Park authorities), in paragraphs 4(1) and...
- 147 Channel Tunnel Rail Link Act 1996 (c. 61)
- 148 In Schedule 14 (overhead lines: consent), in the table in...
- 149 Government of Wales Act 1998 (c. 38)
- 150 In Schedule 5 (bodies and offices covered by section 74),...
- 151 Greater London Authority Act 1999 (c. 29)
- 152 In section 408 (transfer of property, rights or liabilities), in...
- 153 Freedom of Information Act 2000 (c. 36)
- 154 Countryside and Rights of Way Act 2000 (c. 37)
- 155 In section 4 (duty to prepare maps), in subsection (1),...
- 156 (1) Amend section 20 (codes of conduct and other information)...
- 157 In section 26 (nature conservation and heritage preservation), in subsection...
- 158 In section 33 (guidance by countryside bodies to National Park...
- 159 In section 58 (application for path creation order), for subsection...
- 160 In section 61 (rights of way improvement plans: supplemental), in...
- 161 Omit section 73 (Nature Conservancy Council for England: change of...
- 162 Omit section 74 (conservation of biological diversity).
- 163 In section 82 (designation of areas of outstanding natural beauty),...
- 164 In each of the following provisions for “the Agency” substitute...
- 165 In section 85 (general duty of public bodies etc.), in...
- 166 In section 87 (general purposes and powers), in subsection (2),...
- 167 In section 90 (supplementary provisions relating to management plans for...
- 168 In section 92 (interpretation of Part 4 etc.), in subsection...
- 169 In section 101 (expenses), omit paragraph (a).
- 170 (1) In Schedule 11 (transitional provisions and savings relating to...
- 171 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 172 Water Act 2003 (c. 37)
- 173 Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)
- 174 Civil Contingencies Act 2004 (c. 36)  
Part 2 — INLAND WATERWAYS
- 175 (1) In— (a) the provisions listed in sub-paragraph (2), and...
- 176 In Part 1 of Schedule 17 to the Transport Act...

## SCHEDULE 12 — Repeals and revocations