

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

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## SCHEDULES

### SCHEDULE 11

Section 105(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 1

#### GENERAL

##### *Destructive Imported Animals Act 1932 (c. 12)*

- 1 (1) Amend section 5 (provisions as to musk rats found at large) as follows.
- (2) In subsection (3) for “any persons employed by, or on behalf of, the department for that purpose” substitute “any authorised persons”.
- (3) After subsection (3) insert—
  - “(3A) “Authorised person” means—
    - (a) in relation to England and Wales, a person authorised in writing by the appropriate department to exercise powers under subsection (3);
    - (b) in relation to Scotland, a person employed by or on behalf of the appropriate department for the purposes of subsection (3).”

#### Commencement Information

**I1** Sch. 11 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

##### *Hill Farming Act 1946 (c. 73)*

- 2 Omit section 32 (advisory committees).

#### Commencement Information

**I2** Sch. 11 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 3 In section 34 (power to enter on and inspect land), after subsection (2) insert—
  - “(3) This section applies in relation to land in England as if, for the purposes of an agreement under Chapter 1 of Part 8 of the Natural Environment and Rural Communities Act 2006 (agreements with designated bodies), references to an officer of the appropriate Minister authorised by general or special directions given by him were references to a person authorised by the appropriate Minister by general or special directions given by him.”

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**Commencement Information**

**I3** Sch. 11 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Industrial Organisation and Development Act 1947 (c. 40)*

- 4 In section 5 (restriction on disclosure of information), after subsection (3) insert—
- “(3A) Subsections (2) and (3) do not apply to disclosure—
- (a) by a development council established in relation to an industry whose activities include an agricultural activity;
  - (b) to, or to an officer of, Natural England;
  - (c) to, or to an officer of, the Commission for Rural Communities;
  - (d) to, or to an officer of, the Joint Nature Conservation Committee;
  - (e) to, or to an officer of, a body specified in Schedule 7 to the Natural Environment and Rural Communities Act 2006;
  - (f) to, or to an officer of, a board established under Chapter 2 of Part 8 of the 2006Act.”

**Commencement Information**

**I4** Sch. 11 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 5 (1) Amend section 9 (levies for certain purposes for industries for which there is no development council) as follows.
- (2) In subsection (1), for “not a development council” substitute “neither a development council nor a relevant board”.
- (3) After subsection (1) insert—
- “(1A) “Relevant board” means a board established under Chapter 2 of Part 8 of the Natural Environment and Rural Communities Act 2006.”

**Commencement Information**

**I5** Sch. 11 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 6 For the title of Part 1, substitute “The Countryside Council for Wales”.

**Commencement Information**

**I6** Sch. 11 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 7 (1) Amend section 1 (the Countryside Agency and the Countryside Council for Wales) as follows.
- (2) In subsection (1), omit—

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- (a) “There shall be a Countryside Agency which shall exercise functions in relation to England for the purposes specified in subsection (2) below; and”, and
  - (b) “corresponding” (in both places).
- (3) Omit subsection (2).
- (4) In the heading, omit “Countryside Agency and the”.

**Commencement Information**

**I7** Sch. 11 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 8 (1) Amend section 3 (power of Minister to give directions to Agency or Council) as follows.
- (2) In subsection (1)—
- (a) for “the Agency or to the Council”, and
  - (b) for “the Agency or Council”,
- substitute “ the Council ”.
- (3) In the heading, for “Commission” substitute “ the Council ”.

**Commencement Information**

**I8** Sch. 11 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 9 In section 4A (application of Part 2 in Wales), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I9** Sch. 11 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 10 In each of the following provisions for “the Agency” substitute “ Natural England ”
- (a) section 5(2) and (3);
  - (b) section 6(1), (3), (4) and (5);
  - (c) section 7(1), (2), (4) and (6);
  - (d) section 9(1);
  - (e) section 51(1), (2), (3) and (4);
  - (f) section 52(1) and (2);
  - (g) section 55(1) and (2);
  - (h) section 65(5) and (5A);
  - (i) section 85;
  - (j) section 86(1) and (2);
  - (k) section 86A;
  - (l) section 90(4);
  - (m) section 91(1).

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#### Commencement Information

**I10** Sch. 11 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 (1) Amend section 6 (general duties of Agency in relation to National Parks) as follows.
- (2) In subsection (1), omit “as soon as may be after the commencement of this Act, and thereafter”.
- (3) In subsection (4), omit paragraphs (a) and (c).
- (4) In the heading, for “Commission” substitute “ Natural England ”.

#### Commencement Information

**I11** Sch. 11 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 12 For section 15 (meaning of “nature reserve”) substitute—

#### “15 Meaning of “nature reserve”

- (1) In this Part, “nature reserve” means—
- (a) land managed solely for a conservation purpose, or
  - (b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.
- (2) Land is managed for a conservation purpose if it is managed for the purpose of—
- (a) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or
  - (b) preserving flora, fauna or geological or physiographical features of special interest in the area,
- or for both those purposes.
- (3) Land is managed for a recreational purpose if it is managed for the purpose of providing opportunities for the enjoyment of nature or for open-air recreation.”

#### Commencement Information

**I12** Sch. 11 para. 12 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 13 (1) Amend section 15A (meaning of “Nature Conservancy Council”) as follows.
- (2) Number the provisions of section 15A as subsection (1).
- (3) In subsection (1)—

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- (a) for “references to “the Nature Conservancy Council” are references” substitute “ references to the appropriate conservation body are references ”, and
  - (b) in paragraph (a), for “English Nature” substitute “ Natural England ”.
- (4) After subsection (1) insert—
- “(2) In this Part of this Act—
- (a) “nature reserve agreement” means an agreement under section 7 of the 2006 Act for securing that land which it appears expedient in the national interest should be managed as a nature reserve shall be so managed, and
  - (b) “the 2006 Act” means the Natural Environment and Rural Communities Act 2006.”
- (5) In the heading for “ “Nature Conservancy Council”” substitute “ appropriate conservation body ”.

#### Commencement Information

**I13** Sch. 11 para. 13 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 14 (1) Amend section 16 (agreements for management of nature reserves) as follows.
- (2) In subsection (1), for “the Nature Conservancy Council”—
- (a) in the first place where it occurs, substitute “ The Council or Scottish Natural Heritage ”, and
  - (b) in the second place where it occurs, substitute “ the Council or (as the case may be) Scottish Natural Heritage ”.
- (3) In subsection (3)(b) and (c), for “the Nature Conservancy Council” substitute “ the Council or (as the case may be) Scottish Natural Heritage ”.
- (4) In subsection (4), for “the Nature Conservancy Council”, substitute “ the Council ”.
- (5) For the heading substitute “ Agreements for management of nature reserves in Scotland and Wales ”.

#### Commencement Information

**I14** Sch. 11 para. 14 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 15 In each of the following provisions for “the Nature Conservancy Council” substitute “ the appropriate conservation body ”
- (a) section 17(1) and (2);
  - (b) section 18(1) and (2);
  - (c) section 19(1), (2), (3), (4) and (5);
  - (d) section 20(1), (2)(c) and (3);
  - (e) section 21(1) and (6);
  - (f) section 22;
  - (g) section 103(1);
  - (h) section 106(1).

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**Commencement Information**

**I15** Sch. 11 para. 15 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

16 In section 17 (compulsory acquisition of land for establishment of nature reserves)

- (a) in subsection (2), for “agreement under the last foregoing section” substitute “ nature reserve agreement or an agreement under section 16 ”, and
- (b) in the heading, for “Conservancy” substitute “ conservation body ”.

**Commencement Information**

**I16** Sch. 11 para. 16 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

17 In section 18 (compulsory acquisition of land for maintenance of nature reserves)—

- (a) in subsection (1), for “an agreement under the last but one foregoing section” substitute “ a nature reserve agreement or an agreement under section 16 ”, and
- (b) in the heading, for “Conservancy” substitute “ conservation body ”.

**Commencement Information**

**I17** Sch. 11 para. 17 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

18 In section 19 (declarations as to what are nature reserves), in subsection (1), for “an agreement entered into with them under the foregoing provisions of this Part of this Act” substitute “ a nature reserve agreement or an agreement under section 16 ”.

**Commencement Information**

**I18** Sch. 11 para. 18 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

19 In section 21 (establishment of nature reserves by local authorities), in subsection (4), for “the Nature Conservancy Council” substitute “ the appropriate conservation body, the Council or Scottish Natural Heritage ”.

**Commencement Information**

**I19** Sch. 11 para. 19 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

20 In section 50A (application of Part 4 in Wales), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I20** Sch. 11 para. 20 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

21 In section 64 (access agreements), omit subsection (5).

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**Commencement Information**

**I21** Sch. 11 para. 21 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 22 In the heading to section 85 (general duty of Commission to advise on questions relating to natural beauty), for “Commission” substitute “ Natural England and the Council ”.

**Commencement Information**

**I22** Sch. 11 para. 22 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 23 In the heading to section 86 (information services to be provided by Commission), for “Commission” substitute “ Natural England ”.

**Commencement Information**

**I23** Sch. 11 para. 23 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 24 In section 114 (interpretation), in subsection (1), omit the definition of “the Agency”.

**Commencement Information**

**I24** Sch. 11 para. 24 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 25 In Schedule 1 (provisions as to making, confirmation, coming into operation and validity of certain instruments), in paragraph 2(5)—
- (a) for “the Agency,” in the first place where it occurs, substitute “ Natural England, ”, and
  - (b) for “the Agency,” in the second place where it occurs, substitute “ Natural England, the ”.

**Commencement Information**

**I25** Sch. 11 para. 25 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)*

- 26 In—
- (a) section 1 (power to authorise execution of manoeuvres), in subsection (3)(a)(iii), and
  - (b) section 4 (manoeuvres commissions), in subsection (1)(d),
- for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I26** Sch. 11 para. 26 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

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*Agricultural Marketing Act 1958 (c. 47)*

- 27 In section 19 (consumers' committees and committees' of investigation), omit subsections (1) to (5) and (9).

**Commencement Information**

**I27** Sch. 11 para. 27 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 28 (1) Amend section 20 (directions by Ministers to boards as respects certain matters) as follows.
- (2) In subsection (3), omit the words from “, and if, within” to the end.
- (3) Omit subsections (4) and (7).

**Commencement Information**

**I28** Sch. 11 para. 28 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 29 (1) Amend section 21 (temporary directions by Ministers) as follows.
- (2) In subsection (1), omit—
- (a) paragraph (b) and “or” preceding it,
  - (b) “or, as the case may be, of the report or complaint”, and
  - (c) “or direction”.
- (3) In subsection (2), omit the proviso.
- (4) Omit subsection (3).
- (5) In subsection (4), for “periods prescribed by subsections (2) and (3)” substitute “period prescribed by subsection (2)”.

**Commencement Information**

**I29** Sch. 11 para. 29 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 30 (1) Amend section 32 (general provisions as to commissions and committees) as follows.
- (2) In subsection (1), omit—
- (a) “or committee” (in both places), and
  - (b) “or appointed”.
- (3) In subsections (2) and (3), omit “or committee” (in each place).
- (4) Omit subsection (4).

**Commencement Information**

**I30** Sch. 11 para. 30 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 31 In section 47 (restrictions on disclosing certain information obtained under Act), in subsection (2), omit “, consumers' committee, committee of investigation”.



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**Commencement Information**

**I31** Sch. 11 para. 31 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 32 In section 53 (provisions as to Northern Ireland), in subsection (5)—
- (a) omit “consumers' committee and committees of investigation shall operate, and the”,
  - (b) for “operate and are applicable respectively” substitute “ are applicable ”, and
  - (c) omit the words from “, but when any such committee” to the end of the subsection.

**Commencement Information**

**I32** Sch. 11 para. 32 in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

- 33 In Schedule 3 (matters referred to in the definition of “the Minister”), in Parts 2, 5 and 6, omit paragraphs 2 and 3.

**Commencement Information**

**I33** Sch. 11 para. 33 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Public Records Act 1958 (c. 51)*

- 34 (1) In Schedule 1 (definition of public records), amend Part 2 of the table at the end of paragraph 3 as follows.
- (2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”.
  - (3) Omit the entries relating to English Nature and the Countryside Agency.

**Commencement Information**

**I34** Sch. 11 para. 34(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

**I35** Sch. 11 para. 34(1)(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

**I36** Sch. 11 para. 34(3) in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Cereals Marketing Act 1965 (c. 14)*

- 35 In section 6 (further non-trading functions of Authority), in subsection (2), omit “(subject to section 17(2) of this Act)”.

**Commencement Information**

**I37** Sch. 11 para. 35 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 36 In section 17 (offences in relation to scheme under section 16), omit—

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- (a) subsection (2), and
- (b) in subsection (3), paragraph (c) and “or” preceding it.

**Commencement Information**

**I38** Sch. 11 para. 36 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Superannuation Act 1965 (c. 74)*

- 37 In section 39 (meaning of “public office” etc.), in subsection (1), in paragraph 7, omit the entry relating to English Nature.

**Commencement Information**

**I39** Sch. 11 para. 37 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Sea Fisheries Regulation Act 1966 (c. 38)*

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**Textual Amendments**

**F1** Sch. 11 para. 38 repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 812); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

**Commencement Information**

**I40** Sch. 11 para. 38 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Parliamentary Commissioner Act 1967 (c. 13)*

- 39 (1) Amend Schedule 2 (departments and authorities subject to investigation) as follows.
- (2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
- (3) Omit the entries relating to the Countryside Agency and English Nature.

**Commencement Information**

**I41** Sch. 11 para. 39(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

**I42** Sch. 11 para. 39(1)(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

**I43** Sch. 11 para. 39(3) in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agriculture Act 1967 (c. 22)*

- 40 Omit section 24 (disclosure of information).

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**Commencement Information**

**I44** Sch. 11 para. 40 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Countryside Act 1968 (c. 41)*

41 In the heading preceding section 1, for “Agency” substitute “ Council for Wales ”.

**Commencement Information**

**I45** Sch. 11 para. 41 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

42 For section 1 (general functions of the Countryside Agency and the Countryside Council for Wales) substitute—

**“1 General functions of the Countryside Council for Wales**

(1) The purposes for which the Countryside Council for Wales is to exercise the functions conferred on them by this Act are those specified in section 130(2) of the Environmental Protection Act 1990.

(2) The Council may—

- (a) make such charges for any of their services as they think fit,
- (b) accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of the National Parks and Access to the Countryside Act 1949 (in this Act referred to as “the Act of 1949”) and this Act, to apply it for those purposes, and
- (c) do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.”

**Commencement Information**

**I46** Sch. 11 para. 42 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

43 (1) Amend section 2 (new functions of the Agency) as follows.

(2) In subsection (1)—

- (a) for “Agency and the Council shall each” substitute “ Council shall ”, and
- (b) for “Agency or Council” (in both places) substitute “ Council ”.

(3) In subsections (2) to (4)—

- (a) for “Agency and the Council” (in each place) substitute “ Council ”, and
- (b) for “Agency or Council” (in each place) substitute “ Council ”.

(4) In subsection (5)—

- (a) for “Agency or to the Council” substitute “ Council ”,
- (b) for “Agency or, as the case may be, the Council” substitute “ Council ”, and
- (c) in paragraph (b)—
  - (i) for “Agency or Council” (in each place) substitute “ Council ”, and

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(ii) for “provisions of section 1(2)” substitute “ purposes mentioned in section 1(1) ”.

(5) In subsections (6) to (8)—

- (a) for “Agency and the Council” (in each place) substitute “ Council ”, and
- (b) for “Agency or Council” (in each place) substitute “ Council ”.

(6) In subsection (9)—

- (a) omit “Agency and the” and “Agency or”, and
- (b) for “Exchequer grants under the Act of 1949” substitute “ grants under section 16 of the Welsh Development Agency Act 1975 ”.

(7) In the heading, for “Agency” substitute “ Council ”.

#### Commencement Information

**I47** Sch. 11 para. 43 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

44 (1) Amend section 4 (experimental projects or schemes) as follows.

(2) In subsection (1)—

- (a) for “Agency and the Council” substitute “ Council ”, and
- (b) for “Agency or Council” substitute “ Council ”.

(3) In subsection (3) for “Agency or, as the case may be, the Council” substitute “ Council ”.

(4) In subsections (4) to (6) for “Agency or Council” (in each place) substitute “ Council ”.

(5) In subsection (5) for “Agency or by the Council” substitute “ Council ”.

(6) In subsection (6) for “Agency or of the Council” substitute “ Council ”.

#### Commencement Information

**I48** Sch. 11 para. 44 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

45 In section 8 (country park: sailing, boating, bathing and fishing), in subsection (5), for “the Agency” substitute “ Natural England ”.

#### Commencement Information

**I49** Sch. 11 para. 45 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

46 (1) Amend section 12 (facilities in or near National Parks) as follows.

(2) In subsection (1)—

- (a) in the first sentence, omit “, at the request of, and in accordance with terms laid down by, the Agency or, as the case may be, the Council,”, and
- (b) omit the second sentence.

(3) In subsection (5), in the first sentence, for “the Agency” substitute “ Natural England ”.

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#### Commencement Information

**I50** Sch. 11 para. 46 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 47 In section 13 (lakes in national parks: control of boats etc.), in subsection (4)—
- (a) for “sections 1 and” substitute “ section ”, and
  - (b) for “the Agency” substitute “ Natural England ”.

#### Commencement Information

**I51** Sch. 11 para. 47 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 48 (1) Amend section 15 (agreements in respect of areas of special scientific interest) as follows.
- (2) In —
- (a) subsection (1), for “the Nature Conservancy Council (in this section referred to as “the Council”)” substitute “ the Council or Scottish Natural Heritage ”, and
  - (b) in subsections (2) and (3), after “the Council” insert “ or (as the case may be) Scottish Natural Heritage ”.
- (3) In subsection (6), in the substituted subsection (4), for “the Council” substitute “ Scottish Natural Heritage ”.
- (4) Omit subsection (6A).

#### Commencement Information

**I52** Sch. 11 para. 48 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 49 (1) Amend section 15A (compulsory purchase) as follows.
- (2) For subsection (1) substitute—
- “(1) Natural England or the Council may, in the circumstances set out in subsection (2), acquire compulsorily all or part of the land which it appears to that body expedient to acquire for the purpose of conserving flora, fauna, or geological or physiographical features of special interest.”
- (3) In subsection (2)—
- (a) in paragraph (a)—
    - (i) for “the Nature Conservancy Council” substitute “ Natural England or (as the case may be) the Council ”, and
    - (ii) for “such an agreement as is referred to in section 15(2)” substitute “ an SSSI agreement ”, and
  - (b) in paragraph (b), for “such an agreement” substitute “ an SSSI agreement ”.
- (4) In subsection (4), for “the Nature Conservancy Council” substitute “ Natural England or the Council ”.
- (5) Omit subsection (5).

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

(6) After subsection (4) insert—

“(6) In this section “SSSI agreement” means—

- (a) in relation to Natural England, an agreement under section 7 of the 2006 Act imposing, for the purpose of conserving flora, fauna, or geological or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land, or
- (b) in relation to the Council, such an agreement as is referred to in section 15(2).”

**Commencement Information**

**I53** Sch. 11 para. 49 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

50 In section 23 (provision of facilities by Forestry Commissioners), in subsection (5) omit “Countryside Agency and the” and “each”.

**Commencement Information**

**I54** Sch. 11 para. 50 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

51 In section 37 (protection for interests in countryside) for “the Agency, the Council, English Nature” substitute “ Natural England, the Council ”.

**Commencement Information**

**I55** Sch. 11 para. 51 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

52 In section 38 (avoidance of pollution), for “the Agency” substitute “ Natural England ”.

**Commencement Information**

**I56** Sch. 11 para. 52 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

53 (1) Amend section 41 (power to make byelaws and related provisions about wardens) as follows.

(2) For subsection (2) substitute—

“(2) Natural England and the Council may make byelaws for the preservation of order and other purposes mentioned in subsection (1)—

- (a) in the case of Natural England, as respects land—
  - (i) to which the public have rights of access under a management agreement under section 7 of the Natural Environment and Rural Communities Act 2006, or
  - (ii) held by them for the purposes of an experimental scheme under section 8 of that Act, and
- (b) in the case of the Council, as respects land—
  - (i) held by them for the purposes of section 4, or

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(ii) to which the public have access under an agreement under section 4(5)(b).”

(3) In subsections (5), (8) and (9), for “the Agency” substitute “ Natural England ”.

**Commencement Information**

**I57** Sch. 11 para. 53 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

54 In section 45 (agreements with landowners), in subsection (1), omit “the Agency,”.

**Commencement Information**

**I58** Sch. 11 para. 54 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

55 (1) Amend section 46 (application of general provisions of 1949 Act) as follows.

(2) In subsection (2), for “references to the Nature Conservancy Council shall include references to the Agency and any reference to the Nature Conservancy Council,” substitute “ the reference to the appropriate conservation body ”.

(3) In subsection (4), omit “experimental projects or schemes,”.

**Commencement Information**

**I59** Sch. 11 para. 55 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

56 In section 49 (interpretation), in subsection (2), omit the definition of “the Agency”.

**Commencement Information**

**I60** Sch. 11 para. 56 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Conservation of Seals Act 1970 (c. 30)*

57 (1) Amend section 10 (power to grant licences) as follows.

(2) In subsection (3), in paragraph (b), for “the Nature Conservancy Council” substitute “ the appropriate nature conservation body ”.

(3) In subsection (5) for “a reference to “the Nature Conservancy Council” is a reference to English Nature,” substitute “ “the appropriate nature conservation body” means Natural England, ”.

**Commencement Information**

**I61** Sch. 11 para. 57 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Superannuation Act 1972 (c. 11)*

58 (1) Amend Schedule 1 (kinds of employment to which that Act applies) as follows.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- (2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
- (3) Omit the entries relating to the Countryside Agency and English Nature.

#### Commencement Information

- I62** Sch. 11 para. 58(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4
- I63** Sch. 11 para. 58(1)(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)
- I64** Sch. 11 para. 58(3) in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### *Local Government Act 1974 (c. 7)*

- 59 For section 9 (grants and loans by the Countryside Agency and the Countryside Council for Wales) substitute—

#### “9 Grants and loans by the Countryside Council for Wales

- (1) In accordance with arrangements approved by the National Assembly for Wales, the Countryside Council for Wales may give financial assistance by way of grant or loan, or partly in the one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the Council, is conducive to the attainment of any of the purposes of—
  - (a) the National Parks and Access to the Countryside Act 1949,
  - (b) the Countryside Act 1968, or
  - (c) the Countryside and Rights of Way Act 2000.
- (2) On making a grant or loan under this section the Countryside Council for Wales may impose such conditions as they think fit including (in the case of a grant) conditions for repayment in specified circumstances.
- (3) The exercise of the power of the Countryside Council for Wales under this section is subject to any directions given to the Council by the National Assembly for Wales.”

#### Commencement Information

- I65** Sch. 11 para. 59 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 60 (1) Amend Schedule 1 (offices disqualifying for membership) as follows.
- (2) In Part 2 (bodies of which all members are disqualified), insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
  - (3) In Part 3 omit the entries relating to the Countryside Agency and English Nature.



*Status:* Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)

#### Commencement Information

- I66** Sch. 11 para. 60(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, **art. 4**
- I67** Sch. 11 para. 60(1)(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, **art. 2** (with Sch.)
- I68** Sch. 11 para. 60(3) in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

#### *Race Relations Act 1976 (c. 74)*

61 <sup>F2</sup>( 1 ) Amend Schedule 1A (bodies and other persons subject to general statutory duty) as follows.

- ( 2 ) In Part 2, after the entry relating to the Commission for Racial Equality insert— “ Commission for Rural Communities. ”
- ( 3 ) In that Part, after the entry relating to the Insolvency Rules Committee insert— “ Natural England. ”
- ( 4 ) In that Part, omit the entries relating to English Nature, the Hill Farming Advisory Committee for Scotland and the Hill Farming Advisory Sub-Committee for Wales.
- ( 5 ) In Part 3, omit the entry relating to the Countryside Agency.]

#### Textual Amendments

- F2** Sch. 11 para. 61 repealed (E.W.S.) by 2010 c. 15, Sch., 27 Pt. A (as inserted (4.4.2011)) by *The Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011* (S.I. 2011/1060), arts. 1(2), 3(3)(a), **Schs. 3**

#### Commencement Information

- I69** Sch. 11 para. 61(1)(3) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, **art. 4**
- I70** Sch. 11 para. 61(1)(3) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, **art. 2** (with Sch.)
- I71** Sch. 11 para. 61(2)(4)(5) in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

#### *Import of Live Fish (England and Wales) Act 1980 (c. 27)*

62 In section 1 (power to limit the import etc. of fish and fish eggs), in subsection (2) for “English Nature” substitute “ Natural England ”.

#### Commencement Information

- I72** Sch. 11 para. 62 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

#### *Highways Act 1980 (c. 66)*

63 In section 105B (procedure), in subsection (8), in paragraph (b) of the definition of “the consultation bodies”, for “the Countryside Agency, English Heritage and English Nature” substitute “ Natural England and English Heritage ”.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I73** Sch. 11 para. 63 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 64 In section 119D (diversion of certain highways for protection of sites of special scientific interest), in subsection (12), in paragraph (a) of the definition of “the appropriate conservation body”, for “English Nature” substitute “Natural England”.

**Commencement Information**

**I74** Sch. 11 para. 64 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 65 In section 119E (provisions supplementary to section 119D), in subsection (2), at the end of paragraph (a) insert “ and ” and omit paragraph (c) and “and” preceding it.<sup>88</sup>

**Commencement Information**

**I75** Sch. 11 para. 65 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 66 In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsection (2)(c), for “the Countryside Agency” substitute “Natural England”.

**Commencement Information**

**I76** Sch. 11 para. 66 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 67 In section 135A (temporary diversion for dangerous works), in subsection (6)(b), for “the Countryside Agency” substitute “Natural England”.

**Commencement Information**

**I77** Sch. 11 para. 67 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Animal Health Act 1981 (c. 22)*

- 68 (1) Amend section 21 (destruction of wild life on infection other than rabies) as follows.
- (2) In subsection (3), for “Nature Conservancy Council” substitute “ appropriate conservation body ”.
- (3) In subsection (9), in the definition of “Nature Conservancy Council”, for “ “Nature Conservancy Council” means English Nature,” substitute “ “appropriate conservation body” means Natural England, ”.

**Commencement Information**

**I78** Sch. 11 para. 68 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- 69 In section 22 (powers of entry for section 21), in subsection (7)—
- (a) in paragraph (a), for “a Nature Conservancy Council under section 132 of the Environmental Protection Act 1990 or by Scottish Natural Heritage under section 4(7) of the Natural Heritage (Scotland) Act 1991” substitute “the appropriate conservation body”, and
  - (b) for “the Council” (in both places) substitute “the body”.

**Commencement Information**

**I79** Sch. 11 para. 69 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Wildlife and Countryside Act 1981 (c. 69)*

- 70 In section 10 (exceptions to section 9), in subsection (5), for “Nature Conservancy Council” substitute “conservation body”.

**Commencement Information**

**I80** Sch. 11 para. 70 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 71 In section 15 (endangered species (import and export)), in subsection (2), for “Nature Conservancy Councils” substitute “GB conservation bodies”.

**Commencement Information**

**I81** Sch. 11 para. 71 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 72 (1) Amend section 16 (power to grant licences) as follows.
- (2) In subsection (4), for “section 14” substitute “sections 14 and 14ZA”.
  - (3) In subsections (9)(a) and (c), (10)(b) and (11), for “Nature Conservancy Council” substitute “conservation body”.
  - (4) In subsection (10)(a)—
    - (a) for “Nature Conservancy Councils” substitute “GB conservation bodies”, and
    - (b) for “Council” substitute “body”.
  - (5) Sub-paragraph (2) extends to England and Wales (including their adjacent territorial waters) only.

**Commencement Information**

**I82** Sch. 11 para. 72 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 73 (1) In section 21 (penalties, forfeitures, etc.), in subsections (4) and (6)(b), after “section 14” insert “or 14ZA”.
- (2) This paragraph extends to England and Wales (including their adjacent territorial waters) only.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

#### Commencement Information

**I83** Sch. 11 para. 73 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 74 (1) Amend section 22 (power to vary Schedules) as follows.
- (2) In subsection (3)—
- (a) for “jointly to him by the Nature Conservancy Councils” substitute “to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act”; and
  - (b) omit the words following paragraph (b).
- (3) After subsection (3) insert—
- “(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”

#### Commencement Information

**I84** Sch. 11 para. 74 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 75 (1) Amend section 24 (functions of Nature Conservancy Council) as follows.
- (2) In subsection (1)—
- (a) for “Nature Conservancy Councils, acting jointly,” substitute “GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act”, and
  - (b) omit the words following paragraph (b).
- (3) After subsection (1) insert—
- “(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”
- (4) In subsection (4), for “Nature Conservancy Councils” substitute “GB conservation bodies”.
- (5) For the heading substitute “Functions of GB conservation bodies”.

#### Commencement Information

**I85** Sch. 11 para. 75 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 76 (1) Amend section 27 (interpretation of Part 1) as follows.
- (2) In subsection (1), in paragraph (c) of the definition of “authorised person”, for “Nature Conservancy Councils” substitute “GB conservation bodies”.
- (3) In that subsection, after the definition of “poultry”, insert—
- ““premises” includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport;”.
- (4) For subsection (3A) substitute—

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

“(3A) In this Part “the GB conservation bodies” means—

- (a) Natural England,
- (b) the Countryside Council for Wales, and
- (c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly.”

(5) Sub-paragraph (3) extends to England and Wales (including their adjacent territorial waters) only.

**Commencement Information**

**186** Sch. 11 para. 76 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

77 Omit section 27A (construction of references to Nature Conservancy Council) and the heading preceding it.

**Commencement Information**

**187** Sch. 11 para. 77 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

78 Before section 28 insert—

*“Sites of special scientific interest and limestone pavements*

**Application of sections 28 to 34 in Wales**

27AA In relation to land in Wales, sections 28 to 34 (which relate to sites of special scientific interest and limestone pavements) have effect as if references to Natural England were references to the Countryside Council for Wales.”

**Commencement Information**

**188** Sch. 11 para. 78 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

79 In sections 28 to 32 (which relate to sites of special scientific interest), for “the Nature Conservancy Council” and “the Council” (or “the Council's”) substitute “Natural England” (or “Natural England's”).

**Commencement Information**

**189** Sch. 11 para. 79 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

80 In section 28E (duties in relation to sites of special scientific interest), in subsection (3)(b), for “or section 15 of the 1968 Act” substitute “, section 15 of the 1968 Act or section 7 of the Natural Environment and Rural Communities Act 2006”.

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I90** Sch. 11 para. 80 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 81 (1) Amend section 28G (statutory undertakers, etc.: general duty) as follows.
- (2) In subsection (3)(e), omit “(meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990)”.
- (3) After subsection (3) insert—
- “(4) “Statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.”

**Commencement Information**

**I91** Sch. 11 para. 81 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 82 In section 33 (ministerial guidance as respects areas of special scientific interest), in subsection (1), for “Nature Conservancy Councils” substitute “ Natural England ”.

**Commencement Information**

**I92** Sch. 11 para. 82 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 83 (1) Amend section 34 (limestone pavement orders) as follows.
- (2) For subsection (1) substitute—
- “(1) Natural England must notify any local planning authority of any limestone pavement in that authority's area.”
- (3) In subsection (3), for “the Council and the Agency” substitute “ Natural England ”.
- (4) In subsection (5), omit from “or Part” to the end.
- (5) In subsection (6), omit—
- (a) the definition of “the Agency”, and
- (b) paragraph (b) of the definition of “the relevant authority”.

**Commencement Information**

**I93** Sch. 11 para. 83 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 84 Before section 35 insert—

*“Nature reserves, marine nature reserves and Ramsar sites*

**Meaning of “appropriate conservation body”**

- 34A In the following provisions of this Part “the appropriate conservation body” means—

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- (a) in relation to England, Natural England;
- (b) in relation to Wales, the Countryside Council for Wales;
- (c) in relation to Scotland, Scottish Natural Heritage.”

**Commencement Information**

**I94** Sch. 11 para. 84 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 85 In sections 35 to 37, for “the Nature Conservancy Council” and “the Council” substitute “ the appropriate conservation body ”.

**Commencement Information**

**I95** Sch. 11 para. 85 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 86 In section 37A (Ramsar sites—wetlands of international importance), in subsections (1)(a) and (3) for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I96** Sch. 11 para. 86 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 87 In section 39 (management agreements with owners and occupiers of land), omit subsection (5)(d).

**Commencement Information**

**I97** Sch. 11 para. 87 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 88 (1) Amend section 41 (duties of agriculture Ministers with respect to the countryside) as follows.
- (2) In subsection (3), omit the words after paragraph (b).
- (3) In subsection (5), for the definitions of “management agreement” and “the relevant authority” substitute—
- ““management agreement” means—
- (a) in relation to England, an agreement under section 39 or under section 7 of the Natural Environment and Rural Communities Act 2006, and
  - (b) in relation to Wales, an agreement under section 39;
- “the relevant authority” has the same meaning as in section 39 except that in relation to England it also includes Natural England.”
- (4) Omit subsection (6).

**Commencement Information**

**I98** Sch. 11 para. 88 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

89 Before section 42 insert—

**Application of sections 42 to 45 in Wales**

“41A In relation to land in Wales, sections 42 to 45 (which relate to National Parks) have effect as if references to Natural England were references to the Countryside Council for Wales.”

**Commencement Information**

**I99** Sch. 11 para. 89 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 90 (1) Amend section 43 (maps of National Parks showing certain areas of moor or heath) as follows.
- (2) In subsection (1B) —
- (a) for “The Countryside Agency and the Countryside Council for Wales shall each” substitute “ Natural England shall ”, and
- (b) for “the Agency and the Council may each” substitute “ Natural England may ”.
- (3) In subsection (1C), for “the Agency or, as the case may be, the Council” substitute “ Natural England ”.

**Commencement Information**

**I100** Sch. 11 para. 90 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 91 (1) Amend section 45 (power to vary orders designating National Park) as follows.
- (2) In subsection (1)—
- (a) for “the Countryside Agency” (in both places) substitute “ Natural England ”, and
- (b) omit “in England”.
- (3) Omit subsection (2).

**Commencement Information**

**I101** Sch. 11 para. 91 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 92 (1) Amend section 47 (provisions with respect to the Countryside Agency) as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), omit “to the Countryside Agency or”.
- (4) For the heading substitute “ Grants to the Countryside Council for Wales ”.

**Commencement Information**

**I102** Sch. 11 para. 92 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)



*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- 93 In section 49 (extension of power to appoint wardens)—
- (a) in subsection (1) for “the Countryside Agency”, and
  - (b) in subsection (4) for “Countryside Agency” and “the Countryside Agency”, substitute “ Natural England ”.

**Commencement Information**

**I103** Sch. 11 para. 93 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 94 (1) Amend section 50 (payments under certain agreements offered by authorities) as follows.
- (2) In subsection (1), in paragraph (a), for “the Nature Conservancy Council offer to enter into an agreement under” substitute “ Natural England or the Countryside Council for Wales offer to enter into a nature reserve agreement or an SSSI agreement or an agreement under ”.
- (3) In subsection (3), omit “(or, in Scotland, an arbiter)” and “(or, in Scotland, the arbiter's)”.
- (4) In subsection (4), at the end insert—
- ““nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;
- “SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”

**Commencement Information**

**I104** Sch. 11 para. 94 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 95 (1) Amend section 51 (powers of entry) as follows.
- (2) In subsection (1)—
- (a) in paragraph (c), after “enter into”, and
  - (b) in paragraph (h), after “terms of” in the first place where it occurs, insert “ a nature reserve agreement or an SSSI agreement or ”.
- (3) In subsection (2)(a), for “the Nature Conservancy Council” substitute “ Natural England or the Countryside Council for Wales ”.
- (4) After subsection (2) insert—
- “(2A) In subsection (1)—
- “nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;
- “SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”

**Commencement Information**

**I105** Sch. 11 para. 95 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- 96 In section 52 (interpretation of Part 2), in subsection (1), omit the definition of “the Nature Conservancy Councils” and the words concerning the construction of references to “the Nature Conservancy Council”.

**Commencement Information**

**I106** Sch. 11 para. 96 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 97 (1) Amend section 71 (general interpretation) as follows.
- (2) Re-number the existing provision subsection (1).
- (3) After that subsection insert—
- “(2) For the avoidance of doubt it is hereby declared that in this Act “plants” include fungi and algae.”
- (4) This paragraph extends only to England and Wales and to the territorial waters adjacent to England and Wales.

**Commencement Information**

**I107** Sch. 11 para. 97 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 98 Omit Schedule 13 (provisions with respect to the Countryside Agency).

**Commencement Information**

**I108** Sch. 11 para. 98 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Derelict Land Act 1982 (c. 42)*

- 99 In section 1 (power of Secretary of State to give grants), after subsection (6) insert—
- “(6A) Before making any grant under this section where the land to which subsection (1) applies is in a National Park or an area of outstanding natural beauty, the Secretary of State must consult Natural England.”

**Commencement Information**

**I109** Sch. 11 para. 99 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))*

- 100 Omit—
- (a) Article 21 (committee of investigation), and
- (b) Article 22 (action following report by a committee of investigation).

**Commencement Information**

**I110** Sch. 11 para. 100 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- 101 (1) Amend Article 29 (restrictions on disclosing certain information obtained under Part 2) as follows.
- (2) In paragraph (2), for the words from “this Part” to the end of the paragraph substitute “this Part on any board”.
- (3) In paragraph (3), omit “or by the General Consumer Council (Northern Ireland) Order 1984”.

**Commencement Information**

**I111** Sch. 11 para. 101 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Miscellaneous Financial Provisions Act 1983 (c. 29)*

- 102 Omit section 1 (functions of Countryside Agency in relation to economic and social development of rural areas in England).

**Commencement Information**

**I112** Sch. 11 para. 102 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*National Heritage Act 1983 (c. 47)*

- 103 In section 24 (general functions of the Board), omit subsections (7) and (8) (fixing of opening hours and fees subject to Treasury consent).

**Commencement Information**

**I113** Sch. 11 para. 103 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Road Traffic Regulation Act 1984 (c. 27)*

- 104 (1) Amend section 22 (traffic regulation for special areas in the countryside) as follows.
- (2) In subsection (1)(a), for sub-paragraphs (iv) and (v) substitute—
- “(iv) an area in which Natural England is conducting an experimental scheme under section 8 of the Natural Environment and Rural Communities Act 2006 or the Countryside Council for Wales are conducting a scheme under section 4 of the 1968 Act,
- (v) a nature reserve or an area subject to an SSSI agreement or an agreement under section 15 of the 1968 Act,”.
- (3) In subsection (3), for “The Countryside Agency” substitute “Natural England”.
- (4) After subsection (4) insert—
- “(4A) In subsection (1)(a)(v) above, “SSSI agreement” has the same meaning as in section 15A of the Countryside Act 1968”.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I114** Sch. 11 para. 104 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Inheritance Tax Act 1984 (c. 51)*

105 In Schedule 3 (gifts for national purposes, etc.), for “English Nature” substitute—  
 “ Commission for Rural Communities. Natural England. ”

**Commencement Information**

**I115** Sch. 11 para. 105 in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

**I116** Sch. 11 para. 105 in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

*General Consumer Council (Northern Ireland) Order 1984 (S.I. 1984/1822 (N.I. 12))*

106 Omit Article 7 (functions of the General Consumer Council in relation to  
 agricultural marketing schemes).

**Commencement Information**

**I117** Sch. 11 para. 106 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agriculture Act 1986 (c. 49)*

107 In section 18 (designation and management of environmentally sensitive areas),  
 in subsection (2)(a) for “the Countryside Agency and English Nature” substitute “  
 Natural England ”.

**Commencement Information**

**I118** Sch. 11 para. 107 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Channel Tunnel Act 1987 (c. 53)*

108 In Schedule 2 (supplementary provisions as to the scheduled works and other  
 authorised works), in paragraph 5(3), for “English Nature” substitute “ Natural  
 England ”.

**Commencement Information**

**I119** Sch. 11 para. 108 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

109 In Schedule 3 (planning permission), in paragraph 17(4), for paragraphs (a) and (b)  
 substitute—  
 “(a) where the authority consider that nature conservation or the  
 conservation of the natural beauty and amenity of the countryside  
 may be affected, Natural England;”.

**Status:** Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)

#### Commencement Information

**I120** Sch. 11 para. 109 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### *Norfolk and Suffolk Broads Act 1988 (c. 4)*

- 110 (1) Amend section 4 (conservation of areas of natural beauty) as follows.
- (2) In subsection (3)(a), for “English Nature” substitute “ Natural England ”.
- (3) In subsection (4), for “Countryside Commission” substitute “ Agency ”.
- (4) In subsection (5), for the words from “the Countryside Commission” to the end substitute “ the Agency must consult such bodies appearing to it to represent interests concerned as it considers appropriate. ”

#### Commencement Information

**I121** Sch. 11 para. 110 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 111 In section 5 (notification of certain operations within the Broads), in subsection (4), for “, English Nature and the Countryside Commission” substitute “ and Natural England ”.

#### Commencement Information

**I122** Sch. 11 para. 111 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 112 In—
- (a) section 6 (byelaws: general), in subsection (4),
- (b) section 15 (grants from Secretary of State), in subsection (2), and
- (c) Schedule 1 (the Broads Authority), in paragraph 6,
- for “the Countryside Commission” substitute “ Natural England ”.

#### Commencement Information

**I123** Sch. 11 para. 112 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 113 In Schedule 2 (variation of area treated as the broads)—
- (a) in paragraph 3, for “the Countryside Commission”, and
- (b) in paragraphs 4, 5, 6, 7 and 10, for “the Commission” (in each place), substitute “ Natural England ”.

#### Commencement Information

**I124** Sch. 11 para. 113 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 114 In Schedule 3 (functions of Authority), in paragraph 33(1), for paragraphs (b) and (c) substitute—
- “(b) Natural England;”.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I125** Sch. 11 para. 114 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Electricity Act 1989 (c. 29)*

- 115 In Schedule 9 (preservation of amenity and fisheries), in paragraph 2(2)—
- (a) omit “with the Countryside Agency, and”, and
  - (b) for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I126** Sch. 11 para. 115 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Environmental Protection Act 1990 (c. 43)*

- 116 <sup>[F3]</sup>In section 36 (grant of waste management licenses), in subsection (7), for “English Nature” substitute “ Natural England ”.]

**Textual Amendments**

**F3** Sch. 11 para. 116 repealed (E.W.) (6.4.2008) by [The Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#), reg. 1(1)(b), **Sch. 23** (with reg. 72, Sch. 4)

**Commencement Information**

**I127** Sch. 11 para. 116 in force at 1.10.2006 by S.I. 2006/2541 , art. 2 (with Sch. )

- 117 (1) For section 128 (creation and constitution of new Councils) substitute—

**“128 Countryside Council for Wales**

- (1) There shall be a council to be called the Countryside Council for Wales (in this Part referred to as “the Council”).
- (2) The Council shall have not less than 8 nor more than 12 members and those members shall be appointed by the National Assembly for Wales.
- (3) The National Assembly for Wales may by order made by statutory instrument amend subsection (2) above so as to substitute for the number for the time being specified as the maximum membership of the Council such other number as the Assembly thinks appropriate.
- (4) Schedule 6 has effect with respect to the constitution and proceedings of the Council.”

**Commencement Information**

**I128** Sch. 11 para. 117 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 118 For section 129 (grants by Secretary of State to new Councils) substitute—

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

### “129 Grants to the Council

- (1) The National Assembly for Wales may make to the Council grants of such amounts as the Assembly thinks fit.
- (2) A grant under this section may be made subject to such conditions (including in particular conditions as to the use of the money for the purposes of the Joint Nature Conservation Committee) as the Assembly may think fit.”

#### Commencement Information

**I129** Sch. 11 para. 118 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 119 In section 130 (countryside functions of Welsh Council)—
- (a) in subsection (1), omit “, in place of the Commission established under section 1 of the National Parks and Access to the Countryside Act 1949 (so far as concerns Wales),”, and
  - (b) in subsection (4), omit “and the Countryside Agency” and “respective”.

#### Commencement Information

**I130** Sch. 11 para. 119 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 120 (1) Amend section 131 (nature conservation functions: preliminary) as follows.
- (2) For subsection (1) substitute—

“(1) For the purpose of nature conservation and fostering the understanding of nature conservation, the Council shall have the functions conferred on them by this Part and Part 2 of the Natural Environment and Rural Communities Act 2006.”
  - (3) In subsections (2) and (3), for “the Councils” substitute “ the Council ”.
  - (4) For subsection (4) substitute—

“(4) The National Assembly for Wales may give the Council general or specific directions with regard to the discharge of any of their nature conservation functions under this Part.”
  - (5) Omit subsection (5).

#### Commencement Information

**I131** Sch. 11 para. 120 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 121 (1) Amend section 132 (general functions of the Councils) as follows.
- (2) In subsection (1)—
    - (a) for “The Councils shall each” substitute “ The Council shall ”, and
    - (b) omit the words from “and the Councils shall” to the end.
  - (3) In subsection (2), for “The Councils shall each” substitute “ The Council shall ”.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

(4) Omit subsection (3).

(5) In the heading, for “the Councils” substitute “ the Council ”.

**Commencement Information**

**I132** Sch. 11 para. 121(1)-(4) in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**I133** Sch. 11 para. 121(5) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

122 Omit section 133 (special functions of the Councils).

**Commencement Information**

**I134** Sch. 11 para. 122 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

123 (1) Amend section 134 (grants and loans by Councils) as follows.

(2) In subsection (1)—

(a) for “The Councils may each” substitute “ The Council may ”, and

(b) for “the Secretary of State” substitute “ the National Assembly for Wales ”.

(3) Omit subsection (2).

(4) In subsection (3), for “a Council” substitute “ the Council ”.

(5) In subsection (4), for “The Councils” substitute “ The Council ”

(6) In the heading, for “the Councils” substitute “ the Council ”.

**Commencement Information**

**I135** Sch. 11 para. 123 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

124 Omit sections 135 to 138 (dissolution of Nature Conservancy Council etc.).

**Commencement Information**

**I136** Sch. 11 para. 124 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

125 In section 161 (regulations, orders and directions), in subsection (4)(b), after “under section” insert “ 128(3) ”.

**Commencement Information**

**I137** Sch. 11 para. 125 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

126 (1) Amend Schedule 6 as follows.

(2) Omit paragraphs 1 and 15(1).



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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

(3) For the heading, substitute “ The Countryside Council for Wales: Constitution. ”

**Commencement Information**

**I138** Sch. 11 para. 126 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

127 Omit Schedules 7 (the Joint Nature Conservation Committee) and 10 (transfer schemes and staff of existing councils).

**Commencement Information**

**I139** Sch. 11 para. 127 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Deer Act 1991 (c. 54)*

128 (1) Amend section 8 (exceptions for persons licensed by the Nature Conservancy Council for England or the Countryside Council for Wales) as follows.

(2) In subsections (1) and (4), for “English Nature” substitute “ Natural England ”.

(3) In the heading, for “the Nature Conservancy Council for England” substitute “ Natural England ”.

**Commencement Information**

**I140** Sch. 11 para. 128 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Water Industry Act 1991 (c. 56)*

129 (1) Amend section 4 (environmental duties with respect to sites of special interest) as follows.

(2) In subsection (1)—

(a) for “English Nature” substitute “ Natural England ”, and

(b) for “that Council” substitute “ Natural England or (as the case may be) the Council ”.

(3) In subsection (4), for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I141** Sch. 11 para. 129 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

130 In section 5 (codes of practice with respect to environmental and recreational duties), in subsection (4)(b), for “the Countryside Agency, English Nature” substitute “ Natural England ”.

**Commencement Information**

**I142** Sch. 11 para. 130 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- 131 (1) Amend section 156 (restriction on disposals of land) as follows.
- (2) In subsection (4)(c), for sub-paragraphs (i) and (ii) substitute—
- “(i) consult with Natural England (as respects land in England) or the Countryside Council for Wales (as respects land in Wales); and
- (ii) enter into such management agreements or such covenants under subsection (6) below as the Secretary of State may determine;”.
- (3) In subsection (4)(d)—
- (a) for “the Countryside Agency” substitute “ Natural England ”, and
- (b) for “that Agency or Council” substitute “ Natural England or the Countryside Council for Wales ”.
- (4) In subsection (8), omit “and” preceding the definition of “the Broads” and after that definition insert—
- ““management agreement” means—
- (a) in relation to land in England, an agreement under section 39 of the Wildlife and Countryside Act 1981 or section 7 of the Natural Environment and Rural Communities Act 2006;
- (b) in relation to land in Wales, an agreement under section 39 of the Wildlife and Countryside Act 1981.”

**Commencement Information**

**I143** Sch. 11 para. 131 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 132 In Schedule 1A (the Water Services Regulation Authority), omit paragraph 11.

**Commencement Information**

**I144** Sch. 11 para. 132 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Water Resources Act 1991 (c. 57)*

- 133 In Schedule 6 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1(4)(g), for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I145** Sch. 11 para. 133 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Land Drainage Act 1991 (c. 59)*

- 134 (1) Amend section 61C (duties with respect to sites of special scientific interest) as follows.
- (2) In subsection (1)—

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

- (a) for “English Nature” substitute “ Natural England ”, and
- (b) for “that Council” substitute “ Natural England or the Countryside Council for Wales ”.

(3) In subsection (4), for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I146** Sch. 11 para. 134 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 135 In section 61E (codes of practice), in subsection (4)(b), for “the Countryside Agency, English Nature” substitute “ Natural England ”.

**Commencement Information**

**I147** Sch. 11 para. 135 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Transport and Works Act 1992 (c. 42)*

- 136 In section 6 (applications for orders relating to railways, tramways, inland waterways etc.), in subsection (7)—
- (a) in paragraph (a), for “the Countryside Agency” substitute “ Natural England ”, and
  - (b) omit paragraph (e) and “and” preceding it.

**Commencement Information**

**I148** Sch. 11 para. 136 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Protection of Badgers Act 1992 (c. 51)*

- 137 In section 10 (licences)—
- (a) in subsections (1), (3), (4) and (6), for “the appropriate Conservancy Council” (in each place) substitute “ the appropriate conservation body ”,
  - (b) in subsection (4)(a), for “English Nature” substitute “ Natural England ”, and
  - (c) in subsection (6), for “Council's” substitute “ body's ”.

**Commencement Information**

**I149** Sch. 11 para. 137 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agriculture Act 1993 (c. 37)*

- 138 Omit section 20 (functions under section 19 of the Agricultural Marketing Act 1958).

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I150** Sch. 11 para. 138 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agriculture (Northern Ireland) Order 1993 (S.I. 1993/2665 (N.I. 10))*

- 139 Omit Article 22 (functions of certain bodies in relation to agricultural marketing schemes).

**Commencement Information**

**I151** Sch. 11 para. 139 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Environment Act 1995 (c. 25)*

- 140 In section 4 (principal aims and objectives of the Environment Agency), in subsection (5), for the words from “after consultation with the Agency and such other bodies or persons as” substitute “after consultation with—
- (“ the Agency,
  - (b) Natural England, and
  - (c) such other persons as”.

**Commencement Information**

**I152** Sch. 11 para. 140 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 141 (1) Amend section 8 (environmental duties with respect to sites of special interest) as follows.
- (2) In subsection (1)—
- (a) for “English Nature” substitute “ Natural England ”, and
  - (b) for “that Council” substitute “ the Agency or (as the case may be) the Council ”.
- (3) In subsection (4), for “English Nature” substitute “ Natural England ”.

**Commencement Information**

**I153** Sch. 11 para. 141 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 142 In section 9 (codes of practice with respect to environmental and recreational duties), in subsection (3)(b), for “the Countryside Agency, English Nature,” substitute “ Natural England ”.

**Commencement Information**

**I154** Sch. 11 para. 142 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 143 In section 66 (National Park Management Plans), in subsection (7)(a), for “the Countryside Agency and English Nature” substitute “ Natural England ”.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I155** Sch. 11 para. 143 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 144 In section 72 (National Park grant), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I156** Sch. 11 para. 144 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 145 In section 99 (consultation before making or modifying certain subordinate legislation for England), in subsection (2), for paragraphs (b) and (c) substitute—  
“(b) Natural England;”.

**Commencement Information**

**I157** Sch. 11 para. 145 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 146 In Schedule 7 (National Park authorities), in paragraphs 4(1) and 14(3), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I158** Sch. 11 para. 146 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Channel Tunnel Rail Link Act 1996 (c. 61)*

- 147 In Schedule 6 (planning conditions), in the table in paragraph 27(4), for the entries relating to English Nature and the Countryside Agency substitute—

“Nature conservation or conservation of the natural beauty or amenity of the countryside Natural England.”

**Commencement Information**

**I159** Sch. 11 para. 147 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 148 In Schedule 14 (overhead lines: consent), in the table in paragraph 7(4), for the entries relating to English Nature and the Countryside Agency substitute—

“Nature conservation or conservation of the natural beauty or amenity of the countryside Natural England.”

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I160** Sch. 11 para. 148 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Government of Wales Act 1998 (c. 38)*

149 In Schedule 4 (public bodies subject to reform by Assembly), omit paragraph 6.

**Commencement Information**

**I161** Sch. 11 para. 149 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

150 In Schedule 5 (bodies and offices covered by section 74), omit paragraph 21.

**Commencement Information**

**I162** Sch. 11 para. 150 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Greater London Authority Act 1999 (c. 29)*

151 In section 352 (the Mayor's biodiversity action plan), in subsection (3), for paragraphs (a) and (b) substitute—  
 “(a) Natural England, and”.

**Commencement Information**

**I163** Sch. 11 para. 151 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

152 In section 408 (transfer of property, rights or liabilities), in subsection (3), for paragraph (g) substitute—  
 “(g) Natural England;”.

**Commencement Information**

**I164** Sch. 11 para. 152 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Freedom of Information Act 2000 (c. 36)*

153 (1) In Schedule 1 (public authorities), amend Part 6 as follows.

(2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”

(3) Omit the entries relating to—

- (a) the Committee of Investigation for Great Britain,
- (b) the consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958,
- (c) the Countryside Agency, and
- (d) English Nature.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

**Commencement Information**

**I165** Sch. 11 para. 153(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, **art. 4**

**I166** Sch. 11 para. 153(1)(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, **art. 2** (with Sch.)

**I167** Sch. 11 para. 153(3) in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

*Countryside and Rights of Way Act 2000 (c. 37)*

- 154 In section 1 (principal definitions for Part 1), in subsection (2), in paragraph (a) of the definition of “the appropriate countryside body”, for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I168** Sch. 11 para. 154 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

- 155 In section 4 (duty to prepare maps), in subsection (1), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I169** Sch. 11 para. 155 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

- 156 (1) Amend section 20 (codes of conduct and other information) as follows.  
(2) In subsection (1), for “the Countryside Agency” substitute “ Natural England ”.  
(3) In subsection (3), for “the Countryside Agency” substitute “ Natural England ”.

**Commencement Information**

**I170** Sch. 11 para. 156 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

- 157 In section 26 (nature conservation and heritage preservation), in subsection (6)(a)(i), for “, English Nature” substitute “ in respect of which Natural England is not the relevant authority, Natural England ”.

**Commencement Information**

**I171** Sch. 11 para. 157 in force at 1.10.2006 by S.I. 2006/2541, **art. 2** (with Sch.)

- 158 In section 33 (guidance by countryside bodies to National Park authorities)—  
(a) in subsections (1) and (3), for “The Countryside Agency”, and  
(b) in subsection (4), for “the Countryside Agency”,  
substitute “ Natural England ”.

*Status: Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

#### Commencement Information

**I172** Sch. 11 para. 158 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 159 In section 58 (application for path creation order), for subsection (1) substitute—
- “(1) An application for the making of a public path creation order under section 26(2) of the 1980 Act may be made—
- (a) by Natural England to the Secretary of State, or
  - (b) for the purpose of enabling the public to obtain access to any access land (within the meaning of Part 1) or of facilitating such access, by the Countryside Council for Wales to the National Assembly for Wales.”

#### Commencement Information

**I173** Sch. 11 para. 159 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 160 In section 61 (rights of way improvement plans: supplemental), in subsection (1) (f), for “the Countryside Agency” substitute “Natural England”.

#### Commencement Information

**I174** Sch. 11 para. 160 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 161 Omit section 73 (Nature Conservancy Council for England: change of name).

#### Commencement Information

**I175** Sch. 11 para. 161 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 162 Omit section 74 (conservation of biological diversity).

#### Commencement Information

**I176** Sch. 11 para. 162 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 163 In section 82 (designation of areas of outstanding natural beauty), in subsection (1) —
- (a) for “the Countryside Agency (in this Part referred to as “the Agency”)” substitute “Natural England”, and
  - (b) for “the Agency may” substitute “Natural England may”.

#### Commencement Information

**I177** Sch. 11 para. 163 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 164 In each of the following provisions for “the Agency” substitute “Natural England”
- (a) section 83(1), (2), (3), (5), (8) and (9);
  - (b) section 84(1)(a) and (3);



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- (c) section 86(6)(a);
- (d) section 90(1)(a)(i);
- (e) section 91(2);
- (f) in Schedule 13, paragraph 6(1).

**Commencement Information**

**I178** Sch. 11 para. 164 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 165 In section 85 (general duty of public bodies etc.), in subsection (3), after the definition of “public office” insert—
- ““statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990”.

**Commencement Information**

**I179** Sch. 11 para. 165 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 166 In section 87 (general purposes and powers), in subsection (2), omit “, but without incurring significant expenditure in doing so,”.

**Commencement Information**

**I180** Sch. 11 para. 166 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 167 In section 90 (supplementary provisions relating to management plans for areas of outstanding natural beauty), in subsection (1)(a)(i), omit “and English Nature”.

**Commencement Information**

**I181** Sch. 11 para. 167 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 168 In section 92 (interpretation of Part 4 etc.), in subsection (1), omit the definition of “the Agency”.

**Commencement Information**

**I182** Sch. 11 para. 168 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 169 In section 101 (expenses), omit paragraph (a).

**Commencement Information**

**I183** Sch. 11 para. 169 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 170 (1) In Schedule 11 (transitional provisions and savings relating to sites of special scientific interest), in paragraph 7, after sub-paragraph (2) insert—

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“(3) In relation to a site of special scientific interest which is the subject of a notification to which this paragraph applies—

- (a) section 28B (notification of additional land) shall have effect as if subsection (3) were omitted; and
- (b) section 28C (enlargement of SSSI) shall have effect as if subsection (4) were omitted.”

(2) In the heading to paragraph 7, for “section 28A” substitute “ sections 28A to 28C ”.

**Commencement Information**

**I184** Sch. 11 para. 170 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Scottish Public Services Ombudsman Act 2002 (asp 11)*

171 In Schedule 2 (listed authorities), in Part 2, omit paragraphs 62 and 65.

**Commencement Information**

**I185** Sch. 11 para. 171 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Water Act 2003 (c. 37)*

172 In Schedule 1 (the Water Services Regulation Authority), in the Schedule 1A to be inserted in the Water Industry Act 1991, omit paragraph 11.

**Commencement Information**

**I186** Sch. 11 para. 172 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

173 In Schedule 2 (the specified authorities), omit the entry relating to the Hill Farming Advisory Committee for Scotland.

**Commencement Information**

**I187** Sch. 11 para. 173 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

PROSPECTIVE

*Civil Contingencies Act 2004 (c. 36)*

174 [<sup>F4</sup>In Schedule 1 (Category 1 and 2 responders), after paragraph 11 insert—  
 “11A Natural England.”]

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11. (See end of Document for details)*

### Textual Amendments

- F4** Sch. 11 para. 174 repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 8](#); S.I. 2009/3345, art. 2, Sch. para. 27(d)

## PART 2

### INLAND WATERWAYS

- 175 (1) In—
- (a) the provisions listed in sub-paragraph (2), and
  - (b) subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)),
- for “Inland Waterways Amenity Advisory Council” (in each place) substitute “Inland Waterways Advisory Council”.
- (2) The provisions are—
- paragraph 2(2) of Schedule 13 to the Transport Act 1968 (c. 73);
  - in the House of Commons Disqualification Act 1975 (c. 24), Part 3 of Schedule 1;
  - in the British Waterways Act 1983 (c. ii), paragraph 1(c) of Schedule 1;
  - in the British Waterways Act 1995 (c. i), paragraphs 6(c), 7(1), 8, 9 and 12(a) of Schedule 2;
  - in the Freedom of Information Act 2000 (c. 36), Part 6 of Schedule 1.

### Textual Amendments

- F5** Words in Sch. 11 para. 175(2) repealed (E.W.S.) by 2010 c. 15 Sch. 27 Pt. 1A (as inserted (4.4.2011)) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#)

### Commencement Information

- I188** Sch. 11 para. 175 in force at 1.4.2007 by [S.I. 2007/816](#), [art. 2\(b\)](#)

- 176 In Part 1 of Schedule 17 to the Transport Act 1968 (provisions extending to Northern Ireland), omit “and 110”.

### Commencement Information

- I189** Sch. 11 para. 176 in force at 1.4.2007 by [S.I. 2007/816](#), [art. 2\(b\)](#)

**Status:**

Point in time view as at 04/04/2011. This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 11.