

*Status: Point in time view as at 01/04/2013.*

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

## SCHEDULES

### SCHEDULE 1

Section 1

#### NATURAL ENGLAND

##### *Status*

- 1 Natural England is to be a body corporate.

##### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 2 Subject to paragraph 22 (nature reserves), Natural England is not to be regarded—
- (a) as a servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown,
- and Natural England's property is not to be regarded as property of, or held on behalf of, the Crown.

##### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 2.5.2006 by S.I. 2006/1176, art. 4

##### *Membership*

- 3
- (1) Natural England is to consist of—
    - (a) a chairman appointed by the Secretary of State, and
    - (b) not less than 8 nor more than 15 other members appointed by the Secretary of State.
  - (2) The Secretary of State must consult the chairman before appointing the other members.
  - (3) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of Natural England's functions.
  - (4) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified there.
  - (5) The power to make an order under sub-paragraph (4) is exercisable by statutory instrument.
  - (6) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.

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**Commencement Information**

**I3** Sch. 1 para. 3 in force at 2.5.2006 by S.I. 2006/1176, art. 4

4 The Secretary of State may appoint one of the members to be deputy chairman.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Term of office*

5 Subject to paragraphs 6 to 8, a member holds and vacates office in accordance with the terms of his appointment.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 2.5.2006 by S.I. 2006/1176, art. 4

6 A member may resign by giving written notice to the Secretary of State.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 2.5.2006 by S.I. 2006/1176, art. 4

7 The Secretary of State may remove a member who—

- (a) has been absent from meetings of Natural England for a period longer than 6 months without the permission of Natural England,
- (b) has become bankrupt<sup>F1</sup> or has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986) or has made an arrangement with his creditors or has had his estate sequestrated in Scotland, or
- (c) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his duties.

**Textual Amendments**

**F1** Words in Sch. 1 para. 7(b) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, Sch. 2 para. 56(2) (with art. 5)

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 2.5.2006 by S.I. 2006/1176, art. 4

8 A person ceases to be chairman or deputy chairman if he—

- (a) resigns that office by giving written notice to the Secretary of State, or
- (b) ceases to be a member.

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**Commencement Information**

**I8** Sch. 1 para. 8 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 9 A person who—
- (a) ceases to be a member, or
  - (b) ceases to be chairman or deputy chairman,
- is eligible for reappointment to that office.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Remuneration and pensions etc.*

- 10 Natural England may pay to the members such remuneration and allowances as the Secretary of State may determine.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 11 If required to do so by the Secretary of State, Natural England must—
- (a) pay such pensions, gratuities or allowances to or in respect of any member as the Secretary of State may determine;
  - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any member.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 12 (1) This paragraph applies if—
- (a) a person ceases to be a member, and
  - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.
- (2) The Secretary of State may require Natural England to pay the person such amount as the Secretary of State may determine.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Staff*

- 13 (1) Natural England must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.

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- (2) The chief executive is an employee of Natural England.
- (3) The Secretary of State may appoint the first chief executive.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 14 Natural England may appoint other employees.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 15 If required to do so by the Secretary of State, Natural England must—
- (a) pay such pensions, gratuities or allowances to or in respect of any employee as the Secretary of State may determine;
  - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any employee.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 16 (1) Employment with Natural England is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (2) Natural England must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

**Commencement Information**

**I16** Sch. 1 para. 16 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Procedure*

- 17 Natural England may determine its own procedure (including quorum).

**Commencement Information**

**I17** Sch. 1 para. 17 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 18 No proceeding is invalidated by—
- (a) a vacancy in the office of chairman, or
  - (b) any defect in the appointment of any member.

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**Commencement Information**

**I18** Sch. 1 para. 18 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Discharge of functions*

- 19 (1) Natural England may authorise a committee, sub-committee, member or employee of Natural England to exercise any of Natural England's functions.
- (2) Sub-paragraph (1) does not prevent Natural England from exercising the function itself or affect the power of Natural England to authorise an employee to carry out functions of Natural England.

**Commencement Information**

**I19** Sch. 1 para. 19 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Membership of committees and sub-committees*

- 20 (1) A committee or sub-committee may include persons who are not members of Natural England.
- (2) Natural England may pay such remuneration and allowances as the Secretary of State may determine to any person who—
- (a) is a member of a committee or sub-committee, but
  - (b) is not a member or employee of Natural England.

**Commencement Information**

**I20** Sch. 1 para. 20 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Application of seal and proof of documents*

- 21 (1) The application of Natural England's seal must be authenticated by the signature of—
- (a) a member of Natural England who is authorised (generally or specially) for that purpose, or
  - (b) an employee who is so authorised.
- (2) A document purporting to be duly executed under the seal of Natural England—
- (a) is to be received in evidence, and
  - (b) is to be treated as so executed unless the contrary is shown.

**Commencement Information**

**I21** Sch. 1 para. 21 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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*Nature reserves*

- 22 (1) This paragraph applies to land in which Natural England has an interest and which is managed as a nature reserve.
- (2) For the purposes of the application of any enactment or rule of law to the land Natural England is to be treated as a government department.
- (3) An interest in land includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement.

**Commencement Information**

**I22** Sch. 1 para. 22 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Reports, accounts etc.*

- 23 (1) For each financial year, Natural England must—
- (a) prepare an annual report on how it has discharged its functions during the year, and
  - (b) send a copy of the report to the Secretary of State within such period as the Secretary of State directs.
- (2) In this paragraph and paragraph 24, “financial year” means—
- (a) the period beginning with the day on which Natural England is established and ending with the next 31st March, and
  - (b) each subsequent period of 12 months ending with 31st March.

**Commencement Information**

**I23** Sch. 1 para. 23 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 24 (1) Natural England must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, Natural England must—
- (a) prepare a statement of accounts in respect of that financial year, and
  - (b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State directs.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
  - (b) send a copy of the certified statement and of his report to the Secretary of State as soon as possible.

**Commencement Information**

**I24** Sch. 1 para. 24 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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- 25 The Secretary of State must lay before each House of Parliament a document consisting of—
- (a) a copy of the report sent under paragraph 23(1), and
  - (b) a copy of the statement and report sent under paragraph 24(4).

**Commencement Information**

**I25** Sch. 1 para. 25 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 26 (1) Natural England must provide the Secretary of State with such information as he may require relating to Natural England's property or to the discharge or proposed discharge of its functions.
- (2) Natural England must also—
- (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of Natural England, and
  - (b) provide such explanation of them as that person or the Secretary of State may require.

**Commencement Information**

**I26** Sch. 1 para. 26 in force at 2.5.2006 by S.I. 2006/1176, art. 4

F<sup>2</sup>SCHEDULE 2

Section 17

**Textual Amendments**

**F2** Sch. 2 repealed (1.4.2013) by The Public Bodies (Abolition of the Commission for Rural Communities) Order 2012 (S.I. 2012/2654), art. 1(4), Sch.

SCHEDULE 3

Section 28

TRANSFER SCHEMES

*Creation and apportionment of property, rights and liabilities etc.*

- 1 A scheme may—
- (a) create for the transferor interests in or rights over property transferred by virtue of the scheme;
  - (b) create for the transferee interests in or rights over property retained by the transferor;
  - (c) create rights or liabilities between the transferor and the transferee.

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**Commencement Information**

**I27** Sch. 3 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 2 (1) A scheme may provide for the transfer of property, rights or liabilities that would not otherwise be capable of being transferred or assigned.
- (2) In particular, it may provide for the transfer to take effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of a provision having effect in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- (3) It does not matter whether the provision referred to in sub-paragraph (2) has effect under an enactment or an agreement or in any other way.

**Commencement Information**

**I28** Sch. 3 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 3 A certificate by the Secretary of State that anything specified in the certificate has vested in any person by virtue of a scheme is conclusive evidence for all purposes of that fact.

**Commencement Information**

**I29** Sch. 3 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Employment contracts*

- 4 (1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.
- (2) The contract of employment—
- (a) is not terminated by the transfer, and
  - (b) has effect from the transfer date as if made between the employee and the transferee.
- (3) The rights, powers, duties and liabilities of the transferor under or in connection with the contract are transferred to the transferee on the transfer date.
- (4) Anything done before the transfer date by or in relation to the transferor in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the transferee.
- (5) This paragraph is subject to paragraph 5.

**Commencement Information**

**I30** Sch. 3 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)



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- 5 (1) Rights and liabilities under a contract of employment are not transferred under this Schedule if the employee informs the transferor or transferee that he objects to the transfer.
- (2) If the employee informs the transferor or transferee that he objects—
- (a) his contract of employment is terminated immediately before the transfer date, but
  - (b) he is not to be treated, for any purpose, as having been dismissed by the transferor.

**Commencement Information**

**I31** Sch. 3 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 6 Nothing in this Schedule affects any right a person has to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

**Commencement Information**

**I32** Sch. 3 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Civil servants treated as employed under a contract of employment etc.*

- 7 (1) This Schedule applies with the following modifications in relation to employment in the civil service of the State on terms which do not constitute a contract of employment.
- (2) In the case of an individual who holds employment in the civil service of the State immediately before the transfer date—
- (a) he is to be treated as employed by virtue of a contract of employment,
  - (b) the terms of that employment are to be regarded as constituting the terms of that contract, and
  - (c) the reference in paragraph 5 to dismissal by the transferor is to termination of that employment.
- (3) In the case of an individual who is to hold employment in the civil service of the State on and after the transfer date, the terms and conditions of his contract of employment immediately before that date have effect on and after that date as if they were terms and conditions of his employment in the civil service of the State.

**Commencement Information**

**I33** Sch. 3 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Compensation*

- 8 A scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.

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**Commencement Information**

**I34** Sch. 3 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Continuity*

- 9 A transfer under this Schedule does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

**Commencement Information**

**I35** Sch. 3 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 10 Anything which—
- (a) is done by the transferor for the purposes of or otherwise in connection with anything transferred by virtue of a scheme, and
  - (b) is in effect immediately before the transfer date,
- is to be treated as done by the transferee.

**Commencement Information**

**I36** Sch. 3 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 There may be continued by or in relation to the transferee anything (including legal proceedings)—
- (a) which relates to anything transferred by virtue of a scheme, and
  - (b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.

**Commencement Information**

**I37** Sch. 3 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 12 (1) This paragraph applies to any document—
- (a) which relates to anything transferred by virtue of a scheme, and
  - (b) which is in effect immediately before the transfer date.
- (2) Any references in the document to the transferor are to be read as references to the transferee.

**Commencement Information**

**I38** Sch. 3 para. 12 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Incidental provision*

- 13 A scheme may include supplementary, incidental, transitional and consequential provision.

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**Commencement Information**

**I39** Sch. 3 para. 13 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

SCHEDULE 4

Section 31

JOINT NATURE CONSERVATION COMMITTEE

*Membership*

- 1 (1) The joint committee is to consist of 14 members—
- (a) a chairman appointed by the Secretary of State;
  - (b) 5 members appointed by the Secretary of State;
  - (c) the chairman or deputy chairman of each of the GB conservation bodies and one other member of each of those bodies appointed by the body in question;
  - (d) the chairman of the Council for Nature Conservation and the Countryside and one other member of the Council appointed by the relevant Northern Ireland department.
- (2) The joint committee may appoint a member to be deputy chairman.

**Commencement Information**

**I40** Sch. 4 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 2 The members appointed by the Secretary of State must not be members of the UK conservation bodies.

**Commencement Information**

**I41** Sch. 4 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 3 (1) The members appointed by the Secretary of State must be persons appearing to the Secretary of State to have experience in or scientific knowledge of nature conservation.
- (2) Before appointing any members under paragraph 1(1), the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.
- (3) Before appointing members under paragraph 1(1)(b), the Secretary of State must consult—
- (a) the chairman, and
  - (b) such persons having scientific knowledge of nature conservation as the Secretary of State thinks appropriate.

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**Commencement Information**

**I42** Sch. 4 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Term of office of members appointed by Secretary of State*

- 4 Subject to paragraphs 5 and 6, a member appointed by the Secretary of State holds and vacates office in accordance with the terms of his appointment.

**Commencement Information**

**I43** Sch. 4 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 5 A member appointed by the Secretary of State may resign by giving him written notice.

**Commencement Information**

**I44** Sch. 4 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 6 The Secretary of State may remove a member appointed by him who—
- (a) has been absent from meetings of the joint committee for a period longer than 6 months without the permission of the joint committee,
  - (b) has become bankrupt<sup>F3</sup> or had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986) or made an arrangement with his creditors, or has had his estate sequestrated in Scotland, or
  - (c) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his duties.

**Textual Amendments**

**F3** Words in Sch. 4 para. 6(b) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, Sch. 2 para. 56(4) (with art. 5)

**Commencement Information**

**I45** Sch. 4 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Remuneration and allowances etc.*

- 7 The joint committee must pay to the members appointed by the Secretary of State such remuneration and allowances as the Secretary of State may determine.

**Commencement Information**

**I46** Sch. 4 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 8 If required to do so by the Secretary of State, the joint committee must—
- (a) pay such pensions, gratuities or allowances to or in respect of the chairman as the Secretary of State may determine, or

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- (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of the chairman.

**Commencement Information**

**I47** Sch. 4 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 9 (1) This paragraph applies if—
- (a) a person ceases to be chairman, and
  - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.
- (2) The Secretary of State may require the joint committee to pay the person such sum as the Secretary of State may determine.

**Commencement Information**

**I48** Sch. 4 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Staff: general*

- 10 The joint committee may, with the approval of the Secretary of State, appoint employees.

**Commencement Information**

**I49** Sch. 4 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 The joint committee must pay to its employees such remuneration and allowances as the joint committee may, with the approval of the Secretary of State, determine.

**Commencement Information**

**I50** Sch. 4 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 12 The joint committee may—
- (a) pay such pensions, gratuities or allowances to or in respect of any employee or former employee,
  - (b) pay such sums towards provision for the payment of such pensions, allowances or gratuities, or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as it may, with the approval of the Secretary of State, determine.

**Commencement Information**

**I51** Sch. 4 para. 12 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

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### *Formation of company*

- 13 (1) With the consent of the Secretary of State, and subject to any conditions he may impose, the joint committee may form a company limited by guarantee the main objects of which fall within sub-paragraph (2).
- (2) The objects are—
- (a) providing administrative and corporate support services to the joint committee, including the employment of staff, for the purposes of its functions,
  - (b) making charges and holding land or any interest in or right over land for those purposes, and
  - (c) doing such other things as are conducive or incidental to the discharge of those functions.
- (3) The constitution of any company formed under this paragraph must include provision to ensure that only members of the joint committee are members of the company.
- (4) The members of any company formed under this paragraph must ensure that no-one is appointed, or continues to serve, as a director of the company who is not a member of the joint committee, or an employee of the joint committee or of the company.
- (5) Sub-paragraphs (2) and (4) do not affect the power of the UK conservation bodies acting through the joint committee to undertake anything mentioned in sub-paragraph (2) by virtue of Part 2.
- (6) Where a company is formed under this paragraph the requirements as to the approval of the Secretary of State apply in respect of appointment, payment and pension matters for employees and former employees of the company as they do in respect of employees or former employees of the joint committee under paragraphs 10 to 12.

#### **Commencement Information**

**I52** Sch. 4 para. 13 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

### *Funding*

- 14 (1) The funding bodies must provide the joint committee with such financial resources as the appropriate authorities consider are needed for the proper discharge of the functions conferred by Part 2.
- (2) When determining what financial resources should be provided, the appropriate authorities must take into account—
- (a) any grant being made under paragraph 15, and
  - (b) the views of the joint committee and the funding bodies.
- (3) The contributions of each of the funding bodies are to be such as are agreed by the appropriate authorities, having taken into account the views of those bodies.
- (4) “The funding bodies” means—
- (a) the GB conservation bodies, and
  - (b) the relevant Northern Ireland department.

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**Commencement Information**

**I53** Sch. 4 para. 14 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 15 (1) The Secretary of State may make grants to the joint committee of such amounts as the Secretary of State thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State thinks fit.

**Commencement Information**

**I54** Sch. 4 para. 15 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Procedure*

- 16 (1) The joint committee may determine its own procedure (including quorum).
- (2) No proceeding of the joint committee is invalidated by—
- (a) a vacancy among the members, or
  - (b) any defect in the appointment of any member.

**Commencement Information**

**I55** Sch. 4 para. 16 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Discharge of functions*

- 17 (1) The joint committee may authorise any of their functions to be exercised by—
- (a) any member of the joint committee,
  - (b) a company formed under paragraph 13,
  - (c) any of the UK conservation bodies, or
  - (d) any employee of the joint committee, of such a company, or of any of those bodies.
- (2) Sub-paragraph (1) does not prevent the joint committee from doing anything that another person has been authorised to do.

**Commencement Information**

**I56** Sch. 4 para. 17 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Annual reports*

- 18 (1) As soon as possible after the end of each financial year, the joint committee must—
- (a) prepare an annual report on how it has discharged their functions during the year, and
  - (b) send a copy of the report to the appropriate authorities and the UK conservation bodies.

*Status: Point in time view as at 01/04/2013.*

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

- (2) The Secretary of State must lay a copy of the report before each House of Parliament.
- (3) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

**Commencement Information**

**I57** Sch. 4 para. 18 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Interpretation*

- 19 (1) In this Schedule “the appropriate authorities” means—
- (a) the Secretary of State,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers, and
  - (d) the relevant Northern Ireland department.
- (2) In this Schedule “financial year” means the period of 12 months ending with 31st March.

**Commencement Information**

**I58** Sch. 4 para. 19 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

SCHEDULE 5

Section 52

ENFORCEMENT POWERS IN CONNECTION WITH WILDLIFE

**PART 1**

AMENDMENTS OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

- 1 After section 18 insert—

**“18A Wildlife inspectors**

- (1) In this Part, “wildlife inspector” means a person authorised in writing under this section by—
  - (a) the Secretary of State (in relation to England), or
  - (b) the National Assembly for Wales (in relation to Wales).
- (2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it.
- (3) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under section 18B or 18D.
- (4) A wildlife inspector entering premises under either of those sections may take with him a veterinary surgeon if he has reasonable grounds for



*Status: Point in time view as at 01/04/2013.*

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

believing that such a person will be needed for the exercise of powers under section 18C or 18E.

### **18B Group 1 offences and licences: power to enter premises**

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
  - (a) for the purpose of ascertaining whether a Group 1 offence is being or has been committed;
  - (b) for the purpose of—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 1 licence, or
    - (ii) ascertaining whether any condition to which a Group 1 licence was subject has been complied with.
- (2) In this Part—

“Group 1 offence” means an offence under section 1, 5, 9(1), (2) or (4), 11, 13(1) or 14ZA, and

“Group 1 licence” means a licence authorising anything which would otherwise be a Group 1 offence.
- (3) Nothing in this section confers power to enter a dwelling.

### **18C Group 1 offences and licences: examining specimens and taking samples**

- (1) The powers conferred by this section are exercisable where a wildlife inspector has entered any premises for a purpose mentioned in section 18B(1)(a) or (b).
- (2) The inspector, or a veterinary surgeon accompanying him, may—
  - (a) for any such purpose, examine any specimen, and
  - (b) subject to subsection (5) and section 18F, take a sample from it.
- (3) “Specimen” means—
  - (a) any bird, other animal or plant, or
  - (b) any part of, or anything derived from, a bird, other animal or plant.
- (4) “Sample” means a sample of blood, tissue or other biological material.
- (5) No sample may be taken under subsection (2) from a live bird, other animal or plant except for the purpose of establishing its identity or ancestry.
- (6) The inspector may require an occupier of the premises to give such assistance as is reasonable in the circumstances for the purpose of—
  - (a) making an examination under subsection (2)(a), or
  - (b) taking a sample under subsection (2)(b).
- (7) The inspector may take and remove from the premises a specimen which is not a live bird, other animal or plant, if there are reasonable grounds for believing that it is evidence of a Group 1 offence.

*Status: Point in time view as at 01/04/2013.*

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

### **18D Group 2 offences and licences etc.: power to enter premises**

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
- (a) for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;
  - (b) where he has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
  - (c) for the purpose of ascertaining whether an offence under section 14 is being, or has been, committed on those premises;
  - (d) for the purpose of—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 2 licence or a relevant registration, or
    - (ii) ascertaining whether any condition to which a Group 2 licence was subject has been complied with.
- (2) In this Part—
- “Group 2 offence” means an offence under section 6, 7, 9(5), 13(2) or 14,
- “Group 2 licence” means a licence authorising anything which would otherwise be a Group 2 offence, and
- “relevant registration” means a registration in accordance with regulations under section 7(1).
- (3) In subsection (1)—
- (a) paragraphs (a) and (b) do not confer power to enter a dwelling except for purposes connected with—
    - (i) a Group 2 licence or a relevant registration held by an occupier of the dwelling, or
    - (ii) an application by an occupier of the dwelling for a Group 2 licence or a relevant registration, and
  - (b) paragraph (c) does not confer any power to enter a dwelling.

### **18E Group 2 offences: examining specimens and taking samples**

- (1) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.
- (2) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by section 18D in order to determine its identity or ancestry.
- (3) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed in respect of any specimen (the

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

relevant specimen), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—

- (a) is alleged to be, or
- (b) which the wildlife inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(4) Where, pursuant to a requirement under this section—

- (a) a bird or other animal is to be examined, or
- (b) a sample is to be taken from a bird or other animal,

a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

(5) “Specimen” and “sample” have the same meaning as in section 18C.

(6) This section is subject to section 18F.

#### **18F Restrictions on taking of samples from live specimens**

(1) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird or other animal except by a veterinary surgeon.

(2) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.”

#### **Commencement Information**

**159** Sch. 5 para. 1 in force at 31.5.2006 by S.I. 2006/1382, art. 2

- 2 (1) Amend section 19 (powers of constables to stop, search, enter etc.) as follows.
- (2) In subsection (2)—
- (a) after “is committing” insert “ or has committed ”, and
  - (b) for “enter any land other than a dwelling-house” substitute “ enter any premises other than a dwelling ”.
- (3) After subsection (2) insert—
- “(2A) A constable may, for the purpose of assisting him in exercising the powers conferred by subsection (1)(b) and (d) when he has entered any premises under subsection (2), take with him—
- (a) any other person, and
  - (b) any equipment or materials.”
- (4) In subsection (3), omit “(with or without other persons)”.

*Status: Point in time view as at 01/04/2013.*

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

#### Commencement Information

**I60** Sch. 5 para. 2 in force at 31.5.2006 by S.I. 2006/1382, art. 2

3 After section 19 insert—

#### “19XA Constables' powers in connection with samples

- (1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by this section is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample.
- (2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (the relevant specimen) may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
  - (a) is alleged to be, or
  - (b) the constable suspects with reasonable cause to be,
 a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.
- (3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this section, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.
- (4) “Specimen” and “sample” have the same meaning as in section 18C.
- (5) This section is subject to section 18F (restrictions on taking samples).

#### 19XB Offences in connection with enforcement powers

- (1) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18B(1) or 18C(2) or (7), or
  - (b) fails without reasonable excuse to give any assistance reasonably required under section 18C(6).
- (2) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18D(1) or 18E(2), or
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 18E(1) or (3), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under section 18E(4).
- (3) A person is guilty of an offence if he—
  - (a) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 19XA(2), or

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

(b) fails without reasonable excuse to give any assistance reasonably required under section 19XA(3).

(4) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.”

**Commencement Information**

**I61** Sch. 5 para. 3 in force at 31.5.2006 by S.I. 2006/1382, art. 2

4 Omit sections 19ZA (enforcement: wildlife inspectors) and 19ZB (power to take samples).

**Commencement Information**

**I62** Sch. 5 para. 4 in force at 31.5.2006 by S.I. 2006/1382, art. 2

- 5
- (1) Amend section 21 (penalties etc.) as follows.
  - (2) Omit subsections (4A) and (4D) (penalties in connection with power of entry and powers in connection with examination of specimens and taking samples).
  - (3) Before subsection (4B) insert—

“(4AA) Except in a case falling within subsection (4B) a person guilty of an offence under section 19XB(1), (2) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”
  - (4) In subsection (4B) (penalty for obstructing wildlife inspector to ascertain whether section 14 offence is being or has been committed)—
    - (a) for “subsection (7) of section 19ZA” substitute “ section 19XB(1)(a) or (2) (a) ”, and
    - (b) for “acting in the exercise of the power conferred by subsection (3)(c) of that section” substitute “ entering premises to ascertain whether an offence under section 14 or 14ZA is being or has been committed ”.
  - (5) In subsection (4C) (penalty for pretending to be wildlife inspector), for “19ZA(8)” substitute “ 19XB(4) ”.

**Commencement Information**

**I63** Sch. 5 para. 5 in force at 31.5.2006 by S.I. 2006/1382, art. 2

6 In section 27 (interpretation of Part 1), in subsection (1), in the definition of “wildlife inspector”, for “section 19ZA(1)” substitute “ section 18A(1) ”.

**Commencement Information**

**I64** Sch. 5 para. 6 in force at 31.5.2006 by S.I. 2006/1382, art. 2

*Status: Point in time view as at 01/04/2013.*

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

## PART 2

### POWERS OF WILDLIFE INSPECTORS EXTENDED TO CERTAIN OTHER ACTS

#### *Introduction*

- 7 In this Part “the enforcement provisions of the 1981 Act relating to Group 1 offences and Group 1 licences” means the following provisions of the Wildlife and Countryside Act 1981 (c. 69)—
- (a) section 18A (power to authorise persons to act as wildlife inspectors);
  - (b) section 18B (power of wildlife inspector to enter premises);
  - (c) section 18C (power to examine specimens and take samples);
  - (d) section 18F (restrictions on taking samples from live specimens);
  - [<sup>F4</sup>(da) section 19XB(1) and (4) (offences in connection with enforcement powers);]
  - (e) section 21(4AA) to (4C) (penalties for obstructing etc. wildlife inspectors).

#### **Textual Amendments**

- F4** Sch. 5 para. 7(da) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 26 para. 80](#); [S.I. 2008/1586, art. 2\(1\)](#), [Sch. 1 para. 48\(t\)](#)

#### **Commencement Information**

- I65** Sch. 5 para. 7 in force at 31.5.2006 by [S.I. 2006/1382, art. 2](#)

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

- 8 (1) The enforcement provisions of the 1981 Act relating to Group 1 offences and Group 1 licences apply for the purposes of the 1932 Act as if—
- (a) any reference to a Group 1 offence were a reference to any offence under the 1932 Act,
  - (b) any reference to a Group 1 licence were a reference to a licence under the 1932 Act, and
  - (c) as if the power to take a sample included power to take a sample from a destructive animal (whether live or dead) for the purpose of testing for disease.
- (2) “Destructive animal” means a musk rat or other animal to which the 1932 Act applies.

#### **Commencement Information**

- I66** Sch. 5 para. 8 in force at 31.5.2006 by [S.I. 2006/1382, art. 2](#)

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

- 9 The enforcement provisions relating to Group 1 offences and Group 1 licences apply for the purposes of the 1970 Act as if—
- (a) the Natural Environment Research Council were required to be consulted about any authorisation of a person to exercise the powers of a wildlife inspector for the purposes of the 1970 Act,

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

- (b) any reference to a Group 1 offence were a reference to any offence under the 1970 Act,
- (c) any reference to a Group 1 licence were a reference to a licence under section 10 of the 1970 Act, and
- (d) the power to take a sample from a specimen did not include any power to take a sample from a live seal.

**Commencement Information**

**I67** Sch. 5 para. 9 in force at 31.5.2006 by S.I. 2006/1382, art. 2

*Deer Act 1991 (c. 54)*

- 10 The enforcement provisions relating to Group 1 offences and Group 1 licences apply for the purposes of the 1991 Act as if—
- (a) any reference to a Group 1 offence were a reference to any offence under the 1991 Act,
  - (b) any reference to a Group 1 licence were a reference to a licence under section 8 of the 1991 Act, and
  - (c) as if the power to take a sample included power to take a sample from a deer (whether live or dead) for the purpose of testing for disease.

**Commencement Information**

**I68** Sch. 5 para. 10 in force at 31.5.2006 by S.I. 2006/1382, art. 2

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

- 11 The enforcement provisions relating to Group 1 offences and Group 1 licences apply for the purposes of the 1992 Act as if—
- (a) any reference to a Group 1 offence were a reference to any offence under the 1992 Act,
  - (b) any reference to a Group 1 licence were a reference to a licence under section 10 of the 1992 Act, and
  - (c) as if the power to take a sample included power to take a sample from a badger (whether live or dead) for the purpose of testing for disease.

**Commencement Information**

**I69** Sch. 5 para. 11 in force at 31.5.2006 by S.I. 2006/1382, art. 2

**PART 3**

CODES OF PRACTICE

- 12 (1) The Secretary of State may—

*Status: Point in time view as at 01/04/2013.*

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

- (a) issue a code of practice in connection with any of the provisions of sections 18A to 18F of the 1981 Act (including any of those provisions as applied by Part 2 of this Schedule), and
  - (b) revise or replace such a code.
- (2) An inspector must have regard to any relevant provision of a code when discharging any function under any of the provisions mentioned in sub-paragraph (1)(a).
- (3) But an inspector's failure to have regard to any provision of a code does not make him liable to criminal or civil proceedings.
- (4) A code—
- (a) is admissible in evidence in any proceedings, and
  - (b) must be taken into account by a court in any case in which it appears to the court to be relevant.

**Commencement Information**

**I70** Sch. 5 para. 12 in force at 31.5.2006 by S.I. 2006/1382, art. 2

**PART 4**

CONSTABLE'S SEARCH WARRANT POWER EXTENDED TO CERTAIN OTHER ACTS

- 13 (1) Section 19(3) of the 1981 Act (issue of search warrants for purpose of obtaining evidence of offence) applies in relation to an offence under each of the Acts mentioned in sub-paragraph (2) as it applies in relation to an offence under Part 1 of the 1981 Act.
- (2) The Acts are—
- (a) the Destructive Imported Animals Act 1932 (c. 12);
  - (b) the Conservation of Seals Act 1970 (c. 30);
  - (c) the Deer Act 1991 (c. 54);
  - (d) the Protection of Badgers Act 1992 (c. 51).

**Commencement Information**

**I71** Sch. 5 para. 13 in force at 31.5.2006 by S.I. 2006/1382, art. 2

SCHEDULE 6

Section 53

WILDLIFE OFFENCES: TIME LIMITS FOR PROCEEDINGS

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

- 1 In section 6 (offences relating to importation etc. of musk rats without licence etc.), after subsection (2) insert—



*Status:* Point in time view as at 01/04/2013.

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

- “(3) Proceedings in England and Wales for an offence under this section may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

**Commencement Information**

**I72** Sch. 6 para. 1 in force at 31.5.2006 by S.I. 2006/1382, art. 2

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

2 In section 5 (penalties for offences), after subsection (2) insert—

- “(3) Proceedings in England and Wales for an offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

**Commencement Information**

**I73** Sch. 6 para. 2 in force at 31.5.2006 by S.I. 2006/1382, art. 2

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

- 3 (1) Amend section 20 (summary prosecutions) as follows.
- (2) In subsection (2), for “Summary proceedings for an offence under this Part” substitute “ Proceedings for a summary offence under this Part ”.

*Status: Point in time view as at 01/04/2013.*

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

- (3) In the heading, for “Summary prosecutions” substitute “ Proceedings for summary offences ”.

**Commencement Information**

**I74** Sch. 6 para. 3 in force at 31.5.2006 by S.I. 2006/1382, art. 2

- 4 After section 51 insert—

**“51A Summary prosecutions**

- (1) Proceedings in England and Wales for a summary offence under this Part may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

**Commencement Information**

**I75** Sch. 6 para. 4 in force at 31.5.2006 by S.I. 2006/1382, art. 2

*Deer Act 1991 (c. 54)*

- 5 In section 9 (penalties for offences relating to deer), after subsection (2) insert—

- “(3) Proceedings for an offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I76** Sch. 6 para. 5 in force at 31.5.2006 by S.I. 2006/1382, art. 2

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

6 After section 12 insert—

**“12ZA Time limit for bringing summary proceedings (England and Wales)**

- (1) Proceedings in England and Wales for a summary offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

**Commencement Information**

**I77** Sch. 6 para. 6 in force at 31.5.2006 by S.I. 2006/1382, art. 2

SCHEDULE 7

Section 80

DESIGNATED BODIES

1 A conservation board for an area of outstanding natural beauty in England.

**Commencement Information**

**I78** Sch. 7 para. 1 in force at 31.5.2006 by S.I. 2006/1382, art. 2

[<sup>F5</sup>1A An inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009.]

**Textual Amendments**

**F5** Sch. 7 para. 1A inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 14 para. 20; S.I. 2011/556, art. 2(2)(k)

*Status: Point in time view as at 01/04/2013.*

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

- 2 A joint committee of two or more local authorities which is discharging, in relation to an area of outstanding natural beauty, functions of those authorities under sections 89 and 90 of the Countryside and Rights of Way Act 2000 (c. 37).

**Commencement Information**

**I79** Sch. 7 para. 2 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 3 A local authority (as defined by section 86).

**Commencement Information**

**I80** Sch. 7 para. 3 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 4 A National Park authority established for a National Park in England.

**Commencement Information**

**I81** Sch. 7 para. 4 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 5 The Board of Trustees of the Royal Botanic Gardens, Kew.

**Commencement Information**

**I82** Sch. 7 para. 5 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 6 The British Potato Council.

**Commencement Information**

**I83** Sch. 7 para. 6 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 7 [<sup>F6</sup>Canal & River Trust].

**Textual Amendments**

**F6** Words in [Sch. 7 para. 7](#) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), **art. 1(2)**, [Sch. 3 para. 18](#) (with arts. 4-6)

**Commencement Information**

**I84** Sch. 7 para. 7 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 8 The Broads Authority.

**Commencement Information**

**I85** Sch. 7 para. 8 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

- 9 The Commission for Rural Communities.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I86** Sch. 7 para. 9 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

10 The Environment Agency.

**Commencement Information**

**I87** Sch. 7 para. 10 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

11 Food From Britain.

**Commencement Information**

**I88** Sch. 7 para. 11 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

12 The Forestry Commissioners.

**Commencement Information**

**I89** Sch. 7 para. 12 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

13 The Gangmasters' Licensing Authority.

**Commencement Information**

**I90** Sch. 7 para. 13 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

14 The Historic Buildings and Monuments Commission for England.

**Commencement Information**

**I91** Sch. 7 para. 14 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

15 The Home-Grown Cereals Authority.

**Commencement Information**

**I92** Sch. 7 para. 15 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

16 The Horticultural Development Council.

**Commencement Information**

**I93** Sch. 7 para. 16 in force at 31.5.2006 by [S.I. 2006/1382](#), **art. 2**

17 The Meat and Livestock Commission.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I94** Sch. 7 para. 17 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

18 The Milk Development Council.

**Commencement Information**

**I95** Sch. 7 para. 18 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

19 The National Forest Company.

**Commencement Information**

**I96** Sch. 7 para. 19 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

20 Natural England.

**Commencement Information**

**I97** Sch. 7 para. 20 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

21 The Seafish Industry Authority.

**Commencement Information**

**I98** Sch. 7 para. 21 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

22 The Wine Standards Board.

**Commencement Information**

**I99** Sch. 7 para. 22 in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

SCHEDULE 8

Section 87

AGRICULTURAL ETC. BOARDS

*Status*

1 A board is (by virtue of this Schedule) a body corporate.

**Commencement Information**

**I100** [Sch. 8 para. 1](#) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

2 A board is not to be regarded—

*Status: Point in time view as at 01/04/2013.*

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

- (a) as a servant or agent of the Crown, or
  - (b) as enjoying any status, privilege of immunity of the Crown,
- and the board's property is not to be regarded as property of, or held on behalf of, the Crown.

**Commencement Information**

**I101** Sch. 8 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Membership*

- 3 A board is to consist of—
- (a) a chairman appointed by the appropriate authority, and
  - (b) such other number of members as the appropriate authority may appoint.

**Commencement Information**

**I102** Sch. 8 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 4 The appropriate authority may appoint one of the members to be deputy chairman.

**Commencement Information**

**I103** Sch. 8 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 5 A section 87 order may include provision as to qualification or disqualification for membership.

**Commencement Information**

**I104** Sch. 8 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Term of office*

- 6 A section 87 order may include provision as to—
- (a) the members' term of office, and
  - (b) their removal from office.

**Commencement Information**

**I105** Sch. 8 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Remuneration and pensions*

- 7 A section 87 order may include provision—
- (a) as to the payment to the members of remuneration and allowances, and
  - (b) as to the payment of pensions, gratuities or allowances to or in respect of the members.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I106** Sch. 8 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Staff*

- 8 A section 87 order may include provision as to the appointment of employees, their remuneration and other terms of employment.

**Commencement Information**

**I107** Sch. 8 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Reports, accounts etc.*

- 9 A section 87 order may include provision requiring the board to prepare and submit reports to persons specified in the order.

**Commencement Information**

**I108** Sch. 8 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 10 A section 87 order must include provision—
- (a) requiring the board to prepare and submit accounts to persons specified in the order;
  - (b) requiring a statement of the accounts to be examined, certified and reported on by the Comptroller and Auditor General.

**Commencement Information**

**I109** Sch. 8 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 A section 87 order may include provision requiring any documents of a description specified in the order to be laid before—
- (a) each House of Parliament;
  - (b) the National Assembly for Wales;
  - (c) the Scottish Parliament;
  - (d) the Northern Ireland Assembly.

**Commencement Information**

**I110** Sch. 8 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)



*Status: Point in time view as at 01/04/2013.*

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

## SCHEDULE 9

Section 89

### FUNCTIONS WHICH MAY BE ASSIGNED TO BOARDS

#### 1 Promoting or undertaking scientific research.

##### Commencement Information

**I111** Sch. 9 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 2 (1) Promoting or undertaking inquiry—
- (a) as to materials and equipment, and
  - (b) as to methods of production, management and labour utilisation.
- (2) Promoting or undertaking inquiry under sub-paragraph (1) includes promoting or undertaking—
- (a) the discovery and development of—
    - (i) new materials, equipment and methods, and
    - (ii) improvements in those already in use,
  - (b) the assessment of the advantages of different alternatives, and
  - (c) the conduct of experimental establishments and of tests on a commercial scale.

##### Commencement Information

**I112** Sch. 9 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### 3 Promoting the production and marketing of standard products.

##### Commencement Information

**I113** Sch. 9 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### 4 Promoting the better definition of trade descriptions and consistency in the use of trade descriptions.

##### Commencement Information

**I114** Sch. 9 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 5 Developing, promoting, marketing or operating—
- (a) standards relating to the quality of products, or
  - (b) systems for the classification of products.

##### Commencement Information

**I115** Sch. 9 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### 6 Developing, reviewing or operating schemes for the certification of products or of operations connected with production or supply of products.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I116** Sch. 9 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 7 Undertaking the certification of products, the registration of certification trade marks, and the functions of proprietors of such marks.

**Commencement Information**

**I117** Sch. 9 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 8 Providing or promoting the provision of—
- (a) training for persons engaged in or proposing to be engaged in the industry, and
  - (b) their education in subjects relevant to the industry.

**Commencement Information**

**I118** Sch. 9 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 9 (1) Promoting—
- (a) the adoption of measures for securing safer and better working conditions, and
  - (b) the provision and improvement of amenities for persons employed.
- (2) Promoting or undertaking inquiry as to measures for securing safer and better working conditions.

**Commencement Information**

**I119** Sch. 9 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 10 Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.

**Commencement Information**

**I120** Sch. 9 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 Promoting or undertaking arrangements for encouraging the entry of persons into the industry.

**Commencement Information**

**I121** Sch. 9 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 12 Promoting or undertaking research for improving arrangements for marketing and distributing products.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I122** Sch. 9 para. 12 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 13 Promoting or undertaking research into matters relating to the consumption or use of goods and services supplied by the industry.

**Commencement Information**

**I123** Sch. 9 para. 13 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 14 Promoting arrangements—
- (a) for co-operative organisations,
  - (b) for supplying materials and equipment, and
  - (c) for marketing and distributing products.

**Commencement Information**

**I124** Sch. 9 para. 14 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 15 Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.

**Commencement Information**

**I125** Sch. 9 para. 15 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 16 Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them.

**Commencement Information**

**I126** Sch. 9 para. 16 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 17 Promoting or undertaking the collection and formulation of statistics.

**Commencement Information**

**I127** Sch. 9 para. 17 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 18 Advising on any matters relating to the industry (other than remuneration or conditions of employment) as to which the appropriate authority may request the board to advise, and undertaking inquiry for the purpose of enabling the board to advise on such matters.

**Commencement Information**

**I128** Sch. 9 para. 18 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 01/04/2013.*

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

- 19 Undertaking arrangements for making available information obtained, and for advising, on matters with which the board is concerned in the exercise of any of its functions.

**Commencement Information**

**I129** Sch. 9 para. 19 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

SCHEDULE 10

Section 90

ANCILLARY PROVISIONS RELATING TO BOARDS

*Acting through subsidiaries*

- 1 (1) A section 87 order may include provision—
- (a) enabling the board to establish subsidiaries, and
  - (b) enabling or requiring the board to carry out specified functions through subsidiaries.
- (2) “Subsidiary” means a subsidiary as defined by [F7 section 1159 of the Companies Act 2006].

**Textual Amendments**

**F7** Words in Sch. 10 para. 1(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 1(2), [Sch. 1 para. 255](#) (with art. 10)

**Commencement Information**

**I130** Sch. 10 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Registers, returns and other information*

- 2 (1) A section 87 order may include provision—
- (a) with respect to registration in a register kept by the board of persons carrying on business in a specified industry;
  - (b) requiring the register to be made available (in accordance with the order) for inspection by the public;
  - (c) under which any right to inspect the register is subject to the payment of a reasonable fee.
- (2) A section 87 order may include provision conferring power on the board to require persons carrying on business in a specified industry to supply to the board returns and other information.

**Commencement Information**

**I131** Sch. 10 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 01/04/2013.*

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

### *Investigative powers*

- 3
- (1) A section 87 order may include provision conferring a power of entry on authorised officers for the purpose of enabling them to carry out functions of the board.
  - (2) But a section 87 order may not include provision by virtue of sub-paragraph (1) conferring power to enter a dwelling.
  - (3) A section 87 order may include provision conferring power on authorised officers to require persons of a description specified in the order—
    - (a) to provide information of a description so specified, or
    - (b) to produce documents of a description so specified.
  - (4) “Authorised officer”, in relation to a power, means a person authorised to exercise the power by, or on behalf of, the board to which the section 87 order relates.
  - (5) A section 87 order may include provision—
    - (a) enabling a board to hold inquiries;
    - (b) enabling a board to require a person to attend to give evidence;
    - (c) as to appeals against a requirement imposed by virtue of paragraph (b).

#### **Commencement Information**

**I132** Sch. 10 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

### *Reserve funds etc.*

- 4
- (1) A section 87 order may include provision for enabling the board to establish and maintain a reserve fund for the purposes of its functions.
  - (2) A section 87 order may also make provision with respect to powers of investment over a reserve fund or any other money of the board which is not immediately required for any other purpose.
  - (3) A section 87 order may confer on the board—
    - (a) power to borrow money;
    - (b) power to charge property.

#### **Commencement Information**

**I133** Sch. 10 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

### *Levies*

- 5
- (1) A section 87 order may include provision—
    - (a) for the imposition by the board of charges (“levies”) on such persons as may be specified in the order;
    - (b) as to limits on the amounts of levies;
    - (c) for the recovery of levies in such ways and through such channels as may be specified in the order.

*Status: Point in time view as at 01/04/2013.*

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

- (2) But a section 87 order may not include provision by virtue of sub-paragraph (1) except for the purpose of enabling a board—
- (a) to meet its expenses in the exercise of its functions;
  - (b) to meet its administrative expenses;
  - (c) to further a purpose or the purposes for which it is established;
  - (d) to establish a reserve fund.
- (3) The purpose or purposes for which any levies are imposed must be specified in the section 87 order.

**Commencement Information**

**I134** Sch. 10 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Power to charge for services*

- 6 A section 87 order may provide that the board (or a subsidiary of the board) may make such charges for any services as appear to the board (or subsidiary) to be reasonable.

**Commencement Information**

**I135** Sch. 10 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Incidental powers*

- 7 (1) A section 87 order may include provision enabling the board to do anything that appears to it to be conducive or incidental to the discharge of its functions.
- (2) The order may, in particular, provide that the board may—
- (a) enter into agreements;
  - (b) acquire or dispose of property;
  - (c) raise funds by means of voluntary contributions;
  - (d) accept gifts.
- (3) The power to make provision falling within sub-paragraph (2)(c) applies whether or not the order also makes provision under paragraph 5 (levies).

**Commencement Information**

**I136** Sch. 10 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Approval of appropriate authority, consultation etc.*

- 8 (1) A section 87 order may include provision making the exercise of a specified function or description of functions conferred on the board—
- (a) subject to the approval of the appropriate authority, or
  - (b) subject to any other conditions.

*Status: Point in time view as at 01/04/2013.*

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

- (2) The provision that may be made by virtue of sub-paragraph (1)(b) includes, in particular—
- (a) provision requiring the board to be satisfied, before a levy is—
    - (i) imposed, or
    - (ii) terminated,that the imposition or termination of the levy is desired by a substantial number of the persons who would be or are affected by the levy;
  - (b) provision requiring ballots to be conducted, in such circumstances as may be specified in the order, for the purpose of ascertaining the views of persons who would be or are affected by a levy;
  - (c) provision requiring the board to consult a specified person or a description of persons before exercising a specified function or description of functions.
- (3) A section 87 order may include provision for the appointment of a Consumers' Committee which the board is required to consult in relation to specified matters.

**Commencement Information**

**I137** Sch. 10 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Offences*

- 9 (1) A section 87 order may create offences in relation to—
- (a) failing to comply with a requirement relating to registration;
  - (b) obstructing an authorised officer exercising a power of entry;
  - (c) failing to comply with a requirement to provide information or produce documents;
  - (d) neglecting or failing to comply with a requirement to attend to give evidence;
  - (e) providing false or misleading information to a board or an authorised officer.
- (2) If a section 87 order creates an offence by virtue of sub-paragraph (1), the order—
- (a) must provide for the offence to be triable only summarily, and
  - (b) may not provide for the offence to be punishable with imprisonment.
- (3) A section 87 order—
- (a) may make provision enabling proceedings for an offence under the order to be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge, but
  - (b) may not authorise the commencement of proceedings for such an offence more than 2 years after the date on which the offence was committed.

**Commencement Information**

**I138** Sch. 10 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Status: Point in time view as at 01/04/2013.*

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

## 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

**I139** 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

**I140** 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.”

#### Commencement Information

**I141** 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—



*Status: Point in time view as at 01/04/2013.*

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

- “(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**

**I142** 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**

**I143** 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**

**I144** 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—
- (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”.

*Status: Point in time view as at 01/04/2013.*

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

#### Commencement Information

**I145** 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

**I146** 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

**I147** 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).

#### Commencement Information

**I148** 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).

*Status: Point in time view as at 01/04/2013.*

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

(4) In the heading, for “Commission” substitute “Natural England”.

**Commencement Information**

**I149** 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**

**I150** 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)—
- (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

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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

**I151** 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

**I152** 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).

#### Commencement Information

**I153** 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)

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- (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**

**I154** 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**

**I155** 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**

**I156** 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**

**I157** 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**

**I158** 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).

**Commencement Information**

**I159** Sch. 11 para. 21 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

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- 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**

**I160** 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**

**I161** 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**

**I162** 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**

**I163** 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**

**I164** Sch. 11 para. 26 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Agricultural Marketing Act 1958 (c. 47)*

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

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**Commencement Information**

**I165** 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**

**I166** 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**

**I167** 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**

**I168** 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**

**I169** 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**

**I170** 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**

**I171** 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**

**I172** 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

**I173** 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.)

**I174** 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**

**I175** 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**

**I176** 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**

**I177** 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)*

- <sup>F8</sup>38 .....

**Textual Amendments**

**F8** 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**

**I178** 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**

**I179** 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

**I180** 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.)

**I181** 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**

**I182** 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**

**I183** 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**

**I184** 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**

**I185** 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**

**I186** 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**

**I187** 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

**I188** 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

**I189** 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

**I190** 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).

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(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**

**I191** 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**

**I192** 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**

**I193** 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**

**I194** 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**

**I195** 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**

**I196** 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**

**I197** 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**

**I198** 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**

**I199** 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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- (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**

**I200** 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

**I201** 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.)

**I202** 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**

**I203** 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.

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**Commencement Information**

- I204** 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**  
**I205** 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.)  
**I206** 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>F9</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**

- F9** 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**

- I207** 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**  
**I208** 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.)  
**I209** 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**

- I210** 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 ”.



*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I211** 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**

**I212** 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.88

**Commencement Information**

**I213** 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**

**I214** 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**

**I215** 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**

**I216** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I217** 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**

**I218** 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**

**I219** 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**

**I220** 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.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I221** 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**

**I222** 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**

**I223** 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—

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I224** 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**

**I225** 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**

**I226** 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**

**I227** 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”.

*Status: Point in time view as at 01/04/2013.*

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

**Commencement Information**

**I228** 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**

**I229** 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**

**I230** 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**

**I231** 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—

*Status: Point in time view as at 01/04/2013.*

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

- (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**

**I232** 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**

**I233** 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**

**I234** 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**

**I235** 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**

**I236** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I237** 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**

**I238** 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**

**I239** 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**

**I240** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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

**I241** 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

**I242** 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

**I243** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

I244 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**

I245 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**

I246 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**

I247 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**

I248 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I249** 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**

**I250** 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**

**I251** 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 01/04/2013.*

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

**Commencement Information**

**I252** 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**

**I253** Sch. 11 para. 105 in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

**I254** 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**

**I255** 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**

**I256** 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**

**I257** 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 01/04/2013.*

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

**Commencement Information**

**I258** 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**

**I259** 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**

**I260** 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**

**I261** 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**

**I262** 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 01/04/2013.*

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

**Commencement Information**

**I263** 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**

**I264** 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>[F10]</sup>In section 36 (grant of waste management licenses), in subsection (7), for “English Nature” substitute “ Natural England ”.]

**Textual Amendments**

**F10** 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**

**I265** 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**

**I266** 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—

*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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

**I267** 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

**I268** 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

**I269** 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 01/04/2013.*

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

(4) Omit subsection (3).

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

**Commencement Information**

**I270** Sch. 11 para. 121(1)-(4) in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**I271** 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**

**I272** 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**

**I273** 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**

**I274** 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**

**I275** 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).

*Status: Point in time view as at 01/04/2013.*

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

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

**Commencement Information**

**I276** 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**

**I277** 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**

**I278** 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**

**I279** 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**

**I280** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I281** 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**

**I282** 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**

**I283** 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 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (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**

**I284** 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**

**I285** 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**

**I286** 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**

**I287** 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 01/04/2013.*

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

**Commencement Information**

**I288** 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**

**I289** 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**

**I290** 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**

**I291** 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**

**I292** 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 01/04/2013.*

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

**Commencement Information**

**I293** 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**

**I294** 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**

**I295** 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**

**I296** 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**

**I297** 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.”

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

**Commencement Information**

**I298** 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**

**I299** 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**

**I300** 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**

**I301** 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**

**I302** 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 01/04/2013.*

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

#### Commencement Information

- I303** 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**  
**I304** 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.)  
**I305** 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

- I306** 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

- I307** 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

- I308** 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

- I309** 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 01/04/2013.*

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

**Commencement Information**

**I310** 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**

**I311** 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**

**I312** 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**

**I313** 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**

**I314** 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**

**I315** 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**

**I316** 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**

**I317** 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**

**I318** 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**

**I319** 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**

**I320** 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**

**I321** 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**

I322 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**

I323 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**

I324 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**

I325 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 [F11In 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. (See end of Document for details)*

**Textual Amendments**

**F11** 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

<sup>F12</sup>175 .....

**Textual Amendments**

**F12** Sch. 11 para. 175 repealed (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, [Schs.](#)

**Commencement Information**

**I326** 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**

**I327** Sch. 11 para. 176 in force at 1.4.2007 by [S.I. 2007/816](#), [art. 2\(b\)](#)

SCHEDULE 12

Section 105(2)

REPEALS AND REVOCATIONS

**Commencement Information**

**I328** Sch. 12 in force at 2.5.2006 for E. for specified purposes immediately after the coming into force of 2000 c. 37, ss. 47-50 by [S.I. 2006/1176](#), [art. 6](#)

**I329** Sch. 12 in force at 1.10.2006 for specified purposes by [S.I. 2006/2541](#), [art. 2](#) (with Sch.)

**I330** Sch. 12 in force at 1.4.2007 in so far as not already in force by [S.I. 2007/816](#), [art. 2\(c\)](#)

REPEALS

*Short title and chapter*

*Extent of repeal*

Hill Farming Act 1946 (c. 73)

Section 32.

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

In section 1(1), “There shall be a Countryside Agency which shall exercise functions in relation to England for the purposes

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	<p>specified in subsection (2) below; and” and “corresponding” (in both places).</p> <p>Section 1(2).</p> <p>In the heading to section 1, “Countryside Agency and the”.</p> <p>In section 6(1), “as soon as may be after the commencement of this Act, and thereafter”.</p> <p>Section 6(4)(a) and (c).</p> <p>Section 9(2).</p> <p>In section 11A(1), “, but without incurring significant expenditure in doing so,”.</p> <p>Section 64(5).</p> <p>In section 114(1), the definition of “the Agency”.</p>
Agricultural Marketing Act 1958 (c. 47)	<p>In section 19, subsections (1) to (5) and (9).</p> <p>In section 20, in subsection (3), the words from “, and if, within” to the end and subsections (4) and (7).</p> <p>In section 21, in subsection (1), paragraph (b) and “or” preceding it, “or, as the case may be, of the report or complaint” and “or direction”, in subsection (2), the proviso and subsection (3).</p> <p>In section 32, in subsection (1), “or committee” (in both places) and “or appointed”, in subsections (2) and (3), “or committee” (in each place) and subsection (4).</p> <p>In section 47, in subsection (2), “, consumers' committee, committee of investigation”.</p> <p>In section 53, in subsection (5), “consumers' committee and committees of investigation shall operate, and the” and the words from “, but when any such committee” to the end of the subsection.</p> <p>In Schedule 3, in Parts 2, 5 and 6, paragraphs 2 and 3.</p>
Public Records Act 1958 (c. 51)	<p>In Schedule 1, in Part 2 of the table at the end of paragraph 3, the entries relating to English Nature and the Countryside Agency.</p>
Cereals Marketing Act 1965 (c. 14)	<p>In section 6(2), “(subject to section 17(2) of this Act)”.</p> <p>In section 17, subsection (2) and, in subsection (3), paragraph (c) and “or” preceding it.</p>
Superannuation Act 1965 (c. 74)	<p>In section 39, in subsection (1), in paragraph 7, the entry relating to English Nature.</p>
Parliamentary Commissioner Act 1967 (c. 13)	<p>In Schedule 2, the entries relating to the Countryside Agency and English Nature.</p>
Agriculture Act 1967 (c. 22)	<p>Section 24.</p>

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Countryside Act 1968 (c. 41)	<p>In section 2(9), “Agency and the” and “Agency or”.</p> <p>In section 12(1), in the first sentence, “, at the request of, and in accordance with terms laid down by, the Agency or, as the case may be, the Council,” and the second sentence.</p> <p>Section 15(6A).</p> <p>Section 15A(5).</p> <p>In section 23(5), “Countryside Agency and the” and “each”.</p> <p>In section 45(1), “the Agency”.</p> <p>In section 46(4), “experimental projects or schemes”.</p> <p>In section 49(2), the definition of “the Agency”.</p>
Transport Act 1968 (c. 73)	In Schedule 17, in Part 1, “and 110”.
Superannuation Act 1972 (c. 11)	In Schedule 1, the entries relating the Countryside Agency and English Nature.
Nature Conservancy Council Act 1973 (c. 54)	In Schedule 1, paragraphs 1, 2(2) and 9.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, the entries relating to the Countryside Agency and English Nature.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entries relating to English Nature, the Hill Farming Advisory Committee for Scotland and the Hill Farming Advisory Sub-Committee for Wales and, in Part 3, the entry relating to the Countryside Agency.
Highways Act 1980 (c. 66)	In section 119E(2), paragraph (c) and “and” preceding it.
Wildlife and Countryside Act 1981 (c. 69)	<p>In section 19(3), “(with or without other persons)”.</p> <p>Sections 19ZA and 19ZB.</p> <p>Section 21(4A) and (4D).</p> <p>In section 22(3), the words following paragraph (b).</p> <p>In section 24(1), the words following paragraph (b).</p> <p>Section 27A and the heading preceding it.</p> <p>In section 28G(3)(e), “(meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990)”.</p> <p>In section 34, in subsection (5), from “or Part” to the end and in subsection (6) the definition of “the Agency” and paragraph (b) of the definition of “the relevant authority”.</p> <p>Section 39(5)(d).</p>

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	<p>In section 41, in subsection (3), the words after paragraph (b) and subsection (6). In section 45, in subsection (1), “in England” and subsection (2). In section 47, subsection (1) and, in subsection (2), “to the Countryside Agency or”. In section 50(3), “(or, in Scotland, an arbiter)” and “(or, in Scotland, the arbiter's)”. In section 51(2)(c), “the Ministers or”. In section 52(1), the definition of “the Nature Conservancy Councils” and the words concerning the construction of references to “the Nature Conservancy Council”. Schedule 13.</p>
Miscellaneous Financial Provisions Act 1983 (c. 29)	Section 1.
National Heritage Act 1983 (c. 47)	Section 24(7) and (8).
Road Traffic Act 1988 (c. 52)	In section 34(2), “(subject to section 34A of this Act)”.
Electricity Act 1989 (c. 29)	In Schedule 9, in paragraph 2(2), “with the Countryside Agency, and”.
Local Government and Housing Act 1989 (c. 42)	In section 155(4), “or” preceding paragraph (h).
Environmental Protection Act 1990 (c. 43)	<p>In section 130, in subsection (1) “, 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, in subsection (4), “and the Countryside Agency” and “respective”. Section 131(5). In section 132, in subsection (1), the words from “and the Councils shall” to the end, and subsection (3). Section 133. Section 134(2). Sections 135 to 138. In Schedule 6, paragraphs 1 and 15(1). Schedule 7. In Schedule 8, paragraphs 2(2) to (4) and (6) (a), 6(3) and (4). In Schedule 9, paragraphs 4(2)(b), 10(3), 11(3), (5), (6)(a), (7)(b), (8), (12) and (13). Schedule 10.</p>
Natural Heritage (Scotland) Act 1991 (c. 28)	In Schedule 2, paragraphs 7(3) and 8(5).
Water Industry Act 1991 (c. 56)	<p>In section 156(8), “and” preceding the definition of “the Broads”. In Schedule 1A, paragraph 11.</p>

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Transport and Works Act 1992 (c. 42)	In section 6(7), paragraph (e) and “and” preceding it.
Agriculture Act 1993 (c. 37)	Section 20.
Government of Wales Act 1998 (c. 38)	In Schedule 4, paragraph 6. In Schedule 5, paragraph 21.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entries relating to the Committee of Investigation for Great Britain, the consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958, the Countryside Agency and English Nature.
Countryside and Rights of Way Act 2000 (c. 37)	Sections 73 and 74. Section 80(4)(a). In section 87(2), “, but without incurring significant expenditure in doing so,”. In section 90(1)(a)(i), “and English Nature”. In section 92(1), the definition of “the Agency”. Section 101(a). In Schedule 4, paragraph 5. In Schedule 7, paragraphs 6 and 7. In Schedule 8, paragraphs 1 and 2. In Schedule 12, paragraph 8. In Schedule 15, paragraph 1.
Scottish Public Services Ombudsman Act 2002 (asp 11)	In Schedule 2, in Part 2, paragraphs 62 and 65.
Water Act 2003 (c. 37)	In Schedule 1, in the Schedule 1A to be inserted in the Water Industry Act 1991, paragraph 11.
Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)	In Schedule 2, the entry relating to the Hill Farming Advisory Committee for Scotland.

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#### REVOCATIONS

<i>Title and number</i>	<i>Extent of revocation</i>
Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))	Articles 21 and 22. In Article 29(3), “or by the General Consumer Council (Northern Ireland) Order 1984”.
General Consumer Council (Northern Ireland) Order 1984 (S.I. 1984/1822 (N.I. 12))	Article 7. In Schedule 2, Part 3.
Agriculture (Northern Ireland) Order 1993 (S.I. 1993/2665 (N.I. 10))	Article 22.

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Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416)	In Schedule 1, paragraphs 1 to 13, 14(2) and (5) and 15 to 18.
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)	In Schedule 1, in the entry relating to the Environmental Protection Act 1990, paragraph (d).

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