



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 8

#### FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

#### CHAPTER 2

#### POWERS TO REFORM AGRICULTURAL ETC. BODIES

##### *Power to create boards*

#### **87 Power to establish boards**

- (1) The appropriate authority may by order—
  - (a) establish a body for a purpose or purposes falling within section 88, and
  - (b) assign to it a function or functions falling within section 89.
- (2) The order must specify the area or areas in relation to which assigned functions are exercisable.
- (3) The areas which may be specified under subsection (2) are—
  - (a) England or an area in England;
  - (b) Wales or an area in Wales;
  - (c) Scotland or an area in Scotland;
  - (d) Northern Ireland or an area in Northern Ireland;
  - (e) any combination of any of the areas mentioned in paragraphs (a) to (d).
- (4) In this Chapter—

“the appropriate authority” has the meaning given by section 96;  
“board” means a body established by an order under this section;

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

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“section 87 order” means an order under this section.

(5) A board is to be known by a name specified in the order.

(6) Schedule 8 contains provisions about the constitution of boards and related matters.

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**Commencement Information**

**I1** S. 87 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

**88 Permissible purposes of boards**

(1) The purposes referred to in section 87(1)(a) are—

- (a) increasing efficiency or productivity in an agricultural or related industry;
- (b) improving marketing in an agricultural or related industry;
- (c) improving or developing services that an agricultural or related industry provides or could provide to the community;
- (d) improving the ways in which an agricultural or related industry contributes to sustainable development.

(2) A section 87 order must specify—

- (a) the purpose or purposes for which the board is established, and
- (b) the industry to which the order relates.

(3) For the purposes of subsection (2)(b), it does not matter whether the specified industry is regarded for any other purpose as—

- (a) an industry,
- (b) a group of industries, or
- (c) a sector or sectors of an industry.

(4) “Agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, and the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.

(5) “Related industry” means an industry which is concerned with the production, processing, manufacture, marketing or distribution of—

- (a) anything (including any creature alive or dead) produced in the course of agriculture, and
- (b) any product which is derived to any substantial extent from anything so produced.

(6) “Services” includes environmental and educational services.

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**Commencement Information**

**I2** S. 88 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

**89 Permissible functions of boards**

(1) The functions referred to in section 87(1)(b) are—

- (a) a function specified in Schedule 9 (a “Schedule 9 function”);

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- (b) a function which, immediately before the commencement of the section 87 order, is a function of an existing levy body (“an existing function”);
  - (c) a function which is a more limited version of a Schedule 9 function or an existing function;
  - (d) a function which is a combination of two or more Schedule 9 functions or existing functions;
  - (e) any additional function, if it appears to the appropriate authority—
    - (i) to be related or similar to, or connected with, any function being assigned by virtue of any of paragraphs (a) to (d), or
    - (ii) to be capable of being conveniently exercised in association with any function being so assigned.
- (2) In this Chapter “existing levy body” means—
- (a) the British Potato Council;
  - (b) the Home-Grown Cereals Authority;
  - (c) the Horticultural Development Council;
  - (d) the Meat and Livestock Commission;
  - (e) the Milk Development Council.

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**Commencement Information**

**I3** S. 89 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

**[<sup>F1</sup>89A Identification and traceability of animals**

- (1) Where the Secretary of State makes or has made an order under section 87(1)(a) establishing a body, the functions that may be assigned to the body under section 87(1) (b) by the Secretary of State include functions that are exercisable in relation to England, Wales, Northern Ireland or Scotland and relate to—
  - (a) collecting, managing and making available information regarding the identification, movement and health of animals, or
  - (b) the means of identifying animals.
- (2) An order of the Secretary of State assigning functions under section 87(1)(b) by virtue of subsection (1) may only be made with the approval of—
  - (a) the Welsh Ministers, if the functions are exercisable in relation to Wales,
  - (b) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, if the functions are exercisable in relation to Northern Ireland, and
  - (c) the Scottish Ministers, if the functions are exercisable in relation to Scotland.
- (3) Provision made by virtue of subsection (1) may not require or authorise the disclosure or use of information in contravention of the data protection legislation (within the meaning of section 3 of the Data Protection Act 2018).
- (4) In this section “animals” has the same meaning as it has for the purposes of section 8 of the Animal Health Act 1981.]

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#### Textual Amendments

- F1** S. 89A inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by Agriculture Act 2020 (c. 21), ss. 34(1), 57(1)(b)(c)(6)

## 90 Ancillary provisions

Schedule 10 makes further provision about the contents of a section 87 order.

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#### Commencement Information

- I4** S. 90 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**Changes to legislation:**

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