



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 8

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

CHAPTER 1

AGREEMENTS WITH DESIGNATED BODIES

Supplementary

83 Particular powers

- (1) The fact that a function is conferred by or under this Act or an Act passed after the passing of this Act does not prevent it from being the subject of an agreement.
- (2) The Secretary of State or a designated body (“A”) may, under an agreement, authorise a designated body (“B”) to perform a function even though under the relevant enactments or subordinate legislation—
 - (a) the function is conferred on A by reference to specified circumstances or cases and the same type of function is conferred on B in different specified circumstances or cases,
 - (b) the function is exercisable by A and B jointly,
 - (c) B is required to be, or may be, consulted about the function (whether generally or in specified circumstances), or
 - (d) B is required to consent to the exercise of the function (whether generally or in specified circumstances).
- (3) An agreement may provide—
 - (a) for the performance of a function to be subject to the fulfilment of conditions;

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- (b) for payments to be made in respect of the performance of the function.
- (4) A designated body which is authorised under an agreement to perform a function—
 - (a) is to be treated as having power to do so;
 - (b) may, unless (or except to the extent that) the agreement provides for this paragraph not to apply—
 - (i) authorise a committee, sub-committee, member, officer or employee of the body to perform the function on its behalf;
 - (ii) form a body corporate and authorise that body to perform the function on its behalf.
- (5) However, where the designated body is a local authority—
 - (a) subsection (4)(a) is subject to section 84(5)(a), and
 - (b) section 84 applies in place of subsection (4)(b).
- (6) Subject to subsection (4)(b) and section 84, a designated body which is authorised under an agreement to perform a function may not authorise any other body or other person to perform that function.

Commencement Information

II [S. 83](#) in force at 31.5.2006 by [S.I. 2006/1382](#), [art. 2](#)

84 Agreements with local authorities

- (1) This section applies where a local authority is authorised under an agreement to perform a function.
- (2) Subject to subsection (5), the function that the local authority is authorised to perform is to be treated as a function of the local authority for the purposes of—
 - (a) any power of a local authority to arrange for the discharge of the function by any person mentioned in subsection (3), and
 - (b) any power of a person mentioned in subsection (3) to arrange for the discharge of a function by any other person mentioned there.
- (3) The persons are any committee, sub-committee, member, officer or employee of the local authority.
- (4) “Committee” does not include a joint committee of two or more local authorities.
- (5) If the local authority is operating executive arrangements—
 - (a) the function is to be treated as a function of the local authority for the purposes of section 13 of the Local Government Act 2000 (c. 22), and
 - (b) if (or to the extent that) the function is the responsibility of the executive of the local authority—
 - (i) subsection (2) does not apply, and
 - (ii) sections 14 to 16 of the 2000 Act, and any regulations made under sections 17 and 18 of the 2000 Act, apply.
- (6) “Executive arrangements” and “executive” have the same meaning as in Part 2 of the 2000 Act.

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- (7) An agreement may provide that the provisions of subsection (2) or those mentioned in subsection (5)(b)(ii) do not apply (or do not apply to a specified extent).

Commencement Information

I2 S. 84 in force at 31.5.2006 by S.I. 2006/1382, art. 2

85 Supplementary provisions with respect to agreements

- (1) An agreement, and any approval given by the Secretary of State under section 79, must be in writing.
- (2) The Secretary of State must arrange for a copy of an agreement to be published in a way that the Secretary of State thinks is suitable for bringing it to the attention of persons likely to be affected by it.
- (3) No power of a Minister of the Crown under any enactment to give directions to a statutory body extends to giving a direction—
- requiring it to enter into an agreement;
 - prohibiting it from entering into an agreement;
 - requiring it to include, or prohibiting it from including, particular terms;
 - requiring it to negotiate, or prohibiting it from negotiating, a variation or termination of an agreement.
- (4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (c. 40) (restrictions on disclosure of information) applies in relation to an authorisation by a designated body under this Chapter as it applies in relation to an authorisation under section 69 of that Act by an office-holder.

Commencement Information

I3 S. 85 in force at 31.5.2006 by S.I. 2006/1382, art. 2

86 Interpretation

- (1) In sections 81 to 85 “agreement” means an agreement under section 78 or 79.
- ^{F1}(2) In this Chapter “DEFRA^{F2} or DESNZ] function” means—
- a function which at the material time falls to be performed by or through the Department for Environment, Food and Rural Affairs, or
 - a former DEFRA function which at the material time falls to be performed by or through the ^{F3}Department for Energy Security and Net Zero].
- (2A) In subsection (2) “former DEFRA function” has the meaning given by article 2(3) of the Secretary of State for Energy and Climate Change Order 2009 ^{F4}(and see also the Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016)^{F5}and the Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424)].]

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- (3) A certificate issued by the Secretary of State that a function falls to be performed as mentioned in subsection (2) is conclusive evidence of that fact.
- (4) In this Chapter—
- “designated body” has the meaning given by section 80;
 - “local authority” means—
 - (a) a local authority as defined in section 1(a) of the Local Government Act 2000 (c. 22), and
 - (b) the Greater London Authority;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

Textual Amendments

- F1** S. 86(2)(2A) substituted for s. 86(2) (5.3.2009) by Secretary of State for Energy and Climate Change Order 2009 (S.I. 2009/229), art. 1(2), **Sch. 2 para. 4(2)**
- F2** Words in s. 86(2) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 13(2)(e)** (with art. 17)
- F3** Words in s. 86(2)(b) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 13(3)(a)** (with art. 17)
- F4** Words in s. 86(2A) inserted (9.11.2016) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 (S.I. 2016/992), art. 1(2), **Sch. para. 11(3)(b)** (with art. 13)
- F5** Words in s. 86(2A) inserted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 13(3)(b)** (with art. 17)

Commencement Information

- I4** S. 86 in force at 31.5.2006 by S.I. 2006/1382, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Supplementary.