



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 8

#### FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

#### CHAPTER 2

#### POWERS TO REFORM AGRICULTURAL ETC. BODIES

#### *Supplementary*

#### 96 “The appropriate authority”

- (1) In this Chapter “the appropriate authority” means—
- (a) in relation to matters concerning England only, the Secretary of State;
  - (b) in relation to matters concerning Wales only, the National Assembly for Wales;
  - (c) in relation to matters concerning Scotland only, the Scottish Ministers;
  - (d) in relation to matters concerning Northern Ireland only, the relevant Northern Ireland department;
  - (e) in relation to the matters mentioned in subsection (2), the Secretary of State acting with the approval of the National Assembly for Wales, the Scottish Ministers or (as the case may be) the relevant Northern Ireland department.
- (2) The matters referred to are—
- (a) making a section 87 order establishing a board which has cross-border functions;
  - (b) making an order under section 91 or 92 dissolving an existing levy body or such a board;

*Status: Point in time view as at 01/10/2006.*

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

- (c) making appointments to such a board or exercising other powers in relation to a cross-border function of a board.
- (3) “Cross-border functions” means functions relating to—
  - (a) England, and
  - (b) Wales, Scotland or Northern Ireland.
- (4) The Scottish Ministers may not give their approval for the purposes of subsection (1) (e) to the making of—
  - (a) an order establishing a board whose cross-border functions include functions relating to Scotland, or
  - (b) an order dissolving an existing levy body or a board whose cross-border functions include functions relating to Scotland,
 unless a draft of the order has been laid before, and approved by a resolution of, the Scottish Parliament.
- (5) In this Chapter “the relevant Northern Ireland department” means the Department of Agriculture and Rural Development in Northern Ireland.

#### Commencement Information

**II** [S. 96](#) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

#### 97 Orders: procedure etc.

- (1) An order under this Chapter may include supplementary, incidental, consequential, transitory, transitional or saving provision.
- (2) An order under this Chapter making provision of a description referred to in subsection (1) may—
  - (a) amend or repeal any enactment, or
  - (b) amend or revoke any subordinate legislation,
 whenever passed or made.
- (3) “Enactment” includes Acts of the Scottish Parliament and Northern Ireland legislation.
- (4) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30), except that it includes any instrument made under an Act of the Scottish Parliament and any instrument within the meaning of section 1(c) of the Interpretation Act (Northern Ireland) 1954 (c. 33 N.I.).
- (5) Before making any order under this Chapter the appropriate authority must consult such organisations as appear to it to be representative of interests substantially affected by the proposed order.
- (6) Subject to subsection (7), any power to make an order under this Chapter is exercisable by statutory instrument.
- (7) Any power of the relevant Northern Ireland department to make an order under this Chapter is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12)).
- (8) An order under this Chapter may not be made—

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- (a) by the Secretary of State, unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament;
- (b) by the Scottish Ministers, unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the Scottish Parliament;
- (c) by the relevant Northern Ireland department, unless a draft of the statutory rule containing the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

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**Commencement Information**

**I2** S. 97 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**Status:**

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