



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 8

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

CHAPTER 3

FINANCIAL ASSISTANCE

98 Financial assistance

- (1) The Secretary of State may give or arrange for the giving of financial assistance in respect of expenditure incurred or to be incurred in any matter related to or connected with a DEFRA [^{F1}or DESNZ] function.
 - (2) Financial assistance under this section may be given in any form, and may in particular be given by way of a grant, a loan or a guarantee.
 - (3) Financial assistance under this section may be given subject to such conditions as may be determined by, or in accordance with arrangements made by, the Secretary of State.
 - (4) The conditions may, in particular, include (in the case of a grant) conditions for repayment in specified circumstances.
 - [^{F2}(5) “DEFRA [^{F3}or DESNZ] function” means—
 - (a) a function which falls to be performed by or through the Department for Environment, Food and Rural Affairs, or
 - (b) a former DEFRA function which falls to be performed by or through the [^{F4}Department for Energy Security and Net Zero].
- (5A) In subsection (5) “former DEFRA function” has the meaning given by article 2(3) of the Secretary of State for Energy and Climate Change Order 2009 [^{F5}(and see also

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Chapter 3. (See end of Document for details)

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) [F⁶ 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)]].

- (6) A certificate issued by the Secretary of State that a function falls to be performed as mentioned in subsection (5) is conclusive evidence of that fact.
- (7) The power to give financial assistance under this section may be exercised even though a more specific power to give financial assistance exists.

Textual Amendments

- F1** Words in s. 98(1) 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)(f)** (with art. 17)
- F2** S. 98(5)(5A) substituted for s. 98(5) (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(3)**
- F3** Words in s. 98(5) 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)(f)** (with art. 17)
- F4** Words in s. 98(5)(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(4)(a)** (with art. 17)
- F5** Words in s. 98(5A) 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(4)(b)** (with art. 13)
- F6** Words in s. 98(5A) 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(4)(b)** (with art. 17)

Commencement Information

- I1** S. 98 in force at 2.5.2006 by S.I. 2006/1176, **art. 5**

Changes to legislation:

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Chapter 3.