

*Status: Point in time view as at 01/10/2006.*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: National Parks and Access to the Countryside Act 1949 (c. 97). (See end of Document for details)

## SCHEDULES

### SCHEDULE 11

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### GENERAL

*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

**II** 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”.

##### Commencement Information

**I2** 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 ”.

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#### Commencement Information

**I3** 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

**I4** 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

**I5** 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).
- (4) In the heading, for “Commission” substitute “ Natural England ”.

#### Commencement Information

**I6** 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

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- (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

**I7** 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 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

**I8** 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.

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- (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

**I9** 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

**I10** [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)
- (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

**I11** [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 ”.

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**I12** 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**

**I13** 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**

**I14** 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**

**I15** 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**

**I16** Sch. 11 para. 21 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 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**

**I17** 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**

**I18** 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”.

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#### Commencement Information

**I19** 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

**I20** Sch. 11 para. 25 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

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