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STATUTORY INSTRUMENTS

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**2005 No. 634**

**The Regulatory Reform (Joint Nature  
Conservation Committee) Order 2005**

**Amendments to Schedule 7**

4.—(1) Schedule 7(1) (the Joint Nature Conservation Committee) is amended as follows.

(2) In paragraphs 5 and 6 (remuneration and allowances for members) for all references to “the councils” substitute “the committee”.

(3) In paragraph 7 (staff etc. and expenses)—

- (a) in sub-paragraph (1) the words “such staff” to “facilities, and” are omitted;
- (b) after sub-paragraph (1), insert—

“(1A) The committee may appoint such number of employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

(1B) The committee shall pay to the employees appointed under sub-paragraph (1A) above such remuneration and allowances as the committee may, with the approval of the Secretary of State given with the consent of the Treasury, determine.

(1C) The committee shall, in the case of such of their employees or former employees as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine—

- (a) pay such pensions, allowances or gratuities to or in respect of those employees,
- (b) make such payments towards provision of such pensions, allowances or gratuities, or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,

as they may, with the approval of the Secretary of State given with the consent of the Treasury, determine.”

(c) after sub-paragraph (3), insert—

“(4) With the consent of the Secretary of State, not given without the approval of the Treasury, and subject to any conditions he may impose, the councils may jointly, through the committee, form a company limited by guarantee the main objects of which fall within sub-paragraph (5).

(5) The objects falling within this sub-paragraph are objects of—

- (a) providing administrative and corporate support services to the committee, including the employment of staff, for the purposes of the special functions (within the meaning of section 133 of this Act);
- (b) making charges and holding land or any interest in or right over land for those purposes; and

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(1) Schedule 7 continues to extend to Scotland, and “councils” includes Scottish Natural Heritage, *see* section 4(2) of the Natural Heritage (Scotland) Act 1991 (c. 28).

(c) doing such other things as are incidental or conducive to the exercise of those functions.

(6) The councils, acting jointly through the committee, shall ensure that, at all times, only members of the committee are members of any company formed under sub-paragraph (4).

(7) The members of any company formed under sub-paragraph (4) shall ensure that no-one is appointed, or continues to serve, as a director of the company who is not a member of the committee, or an employee of the committee or of the company.

(8) Sub-paragraphs (4) to (7) above are without prejudice to any power of the councils jointly through the committee to undertake anything mentioned in sub-paragraph (5) above by virtue of sections 132(2) and 133(2) of this Act.

(9) Where a company is formed under sub-paragraph (4) the requirements as to the approval of the Secretary of State given with the consent of the Treasury shall apply in respect of appointment, payment and pension matters for employees and former employees of the company as they do in respect of employees and former employees of the committee under sub-paragraphs (1A), (1B) and (1C) above.”

(4) In paragraph 9 (delegation of functions), for sub-paragraph (1), substitute—

“(1) Anything authorised or required to be done by the committee may be done by any member of the committee, by a company formed under paragraph 7(4), by any council or by any employee of the committee, of such a company, or of a council who is authorised (generally or specially) for the purpose by the committee.”