



Nature Conservancy Council Act 1973

1973 CHAPTER 54

An Act to establish a Nature Conservancy Council.

[25th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 The Nature Conservancy Council

- (1) For the purposes of nature conservation and fostering the understanding thereof, and to replace the committee of the Natural Environment Research Council known as the Nature Conservancy by a body independent of that Council, there shall be established a council to be known as the Nature Conservancy Council (in this Act referred to as "the Council") which shall have—
 - (a) the following functions, namely—
 - (i) the establishment, maintenance and management of nature reserves (within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949) in Great Britain;
 - (ii) the provision of advice for the Secretary of State or any other Minister on the development and implementation of policies for or affecting nature conservation in Great Britain ;
 - (iii) the provision of advice and dissemination of knowledge about nature conservation ; and
 - (iv) the commissioning or support (whether by financial means or otherwise) of research which in the opinion of the Council is relevant to the matters mentioned in sub-paragraphs (i) to (iii) above; and
 - (b) the functions previously discharged by the Natural Environment Research Council under the enactments specified in Schedule 1 to this Act, which shall accordingly have effect subject to the amendments set out in that Schedule.
- (2) In subsection (1) above " nature conservation " means the conservation of flora, fauna or geological or geographical features.

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- (3) The Science and Technology Act 1965 (in this Act referred to as " the 1965 Act") shall have effect subject to the amendments set out in Schedule 2 to this Act, being amendments consequential on the establishment of the Council.
- (4) The Council shall have power—
- (a) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution, to apply it to those purposes,
 - (b) to initiate and carry out such research directly related to their functions under paragraph (a) of subsection (1) above as it is appropriate that they themselves should carry out instead of commissioning or supporting other persons under sub-paragraph (iv) of that paragraph, and
 - (c) to do all such other things (including, without prejudice to the generality of this paragraph, making charges and holding land or any interest in or right over land) as are incidental or conducive to the discharge of their functions under subsection (1)(a) above.
- (5) It shall be the duty of the Council, in the discharge of their functions, to take account, as appropriate, of actual or possible ecological changes.
- (6) The Secretary of State may give the Council directions of a general character with regard to the discharge of any of their functions under subsection (1)(a) above.
- (7) The Council shall discharge their functions on and after a day appointed by an order made by statutory instrument by the Secretary of State, and the amendments and repeals made by this Act shall come into operation on that day.
- (8) The Council shall have such number of members as the Secretary of State may from time to time determine, and the members shall be appointed by him.
- (9) The administrative and supplementary provisions contained in Schedule 3 to this Act shall have effect with respect to the Council.

2 Advisory committees of Council

- (1) The Council may appoint committees for the purpose of giving them advice about the discharge of their functions.
- (2) Without prejudice to subsection (1) above, it shall be the duty of the Council to appoint three committees for the purpose of giving them advice about the discharge of their functions in England, Scotland and Wales respectively.
- (3) Members of committees appointed under this section need not be members of the Council.
- (4) No appointment to the committees constituted under subsection (2) above shall be either made or terminated except with the approval of the Secretary of State.

3 Grants by Council

- (1) In accordance with arrangements approved by the Secretary of State and the Treasury, the Council shall have power to give financial assistance by way of grant to any person carrying on or proposing to carry on any project which the Council would have power to carry on.

- (2) On making a grant the Council may impose such conditions as they think fit, including conditions for repayment in specified circumstances.

4 Grants by Secretary of State to Council

- (1) The Secretary of State may, with the approval of the Treasury, make to the Council out of money provided by Parliament grants of such amount as the Secretary of State thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State may with the approval of the Treasury think fit.

5 Short title, repeals and extent

- (1) This Act may be cited as the Nature Conservancy Council Act 1973.
- (2) The enactments specified in Schedule 4 to this Act are hereby repealed to the extent mentioned in column 3 of that Schedule.
- (3) Paragraph 3(1) of Schedule 1 to this Act extends to Northern Ireland so far as it applies in relation to the importation of birds or their eggs and paragraph 19 of Schedule 3 also extends to Northern Ireland ; but save as aforesaid this Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENTS OF ENACTMENTS CONSEQUENTIAL ON TRANSFER OF STATUTORY FUNCTIONS TO COUNCIL

National Parks and Access to the Countryside Act 1949

- 1 In Part III of the National Parks and Access to the Countryside Act 1949 (nature conservation) for each of the references to the Natural Environment Research Council (which were substituted for references to the Nature Conservancy by the 1965 Act) there shall be substituted a reference to the Nature Conservancy Council.
- 2 (1) For subsection (1) of section 103 of that Act (general provisions as to acquisition of land) there shall be substituted the following subsection:—
- “(1) Any power conferred by this Act on the Nature Conservancy Council or a local authority to acquire land compulsorily shall be exercisable in any particular case on their being authorised so to do by the Secretary of State.”
- (2) For each of the references to the Natural Environment Research Council in subsection (2) of that section and for the references in section 106(1) of that Act (supplementary provisions as to byelaws) (all of which were substituted as mentioned in paragraph 1 above for references to the Nature Conservancy) there shall be substituted a reference to the Nature Conservancy Council.

Protection of Birds Act 1954

- 3 (1) In section 10(2)(b) of the Protection of Birds Act 1954 (authorities with power to grant licences) for the words from " from " to the end of the paragraph there shall be substituted the words " from, the Nature Conservancy Council, that Council ".
- (2) In section 14(1) of that Act (interpretation) in paragraph (c) of the definition of " authorised person " for the reference to the Natural Environment Research Council (which was substituted for a reference to the Nature Conservancy by the 1965 Act) there shall be substituted a reference to the Nature Conservancy Council.

Deer (Scotland) Act 1959

- 4 In section 1(4) of the Deer (Scotland) Act 1959 (constitution of the Red Deer Commission) for paragraph (a) there shall be substituted the following paragraphs:
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- “(a) one from nominees of the Nature Conservancy Council;
 (aa) one from nominees of the Natural Environment Research Council;”.

Deer Act 1963

- 5 In section 11 of the Deer Act 1963 (power to grant licences) for each of the references to the Natural Environment Research Council (which were substituted for references to the Nature Conservancy by the 1965 Act) there shall be substituted a reference to the Nature Conservancy Council.

Water Resources Act 1963

- 6 In section 102 of the Water Resources Act 1963 (land of special natural interest) for each of the references to the Natural Environment Research Council (which were substituted as mentioned in paragraph 5 above) there shall be substituted a reference to the Nature Conservancy Council.

Protection of Birds Act 1967

- 7 In sections 4(3) (disturbance of nesting birds), 7(4)(b) (special protection for wild birds in severe weather) and 8(2)(b) (matters for which licences under section 10 of the Protection of Birds Act 1954 may be granted) of the Protection of Birds Act 1967 for the references to the Natural Environment Research Council there shall be substituted references to the Nature Conservancy Council.

Tees Valley and Cleveland Water Act 1967

- 8 In section 3(1) of the Tees Valley and Cleveland Water Act 1967 (interpretation) for the definition of " research council" there shall be substituted the following definition:—
“" research council " means the Nature Conservancy Council;”.

Countryside Act 1968

- 9 In sections 15(1) (areas of special scientific interest), 37 (protection for interests in countryside) and 46(2) (application of general provisions of National Parks and Access to the Countryside Act 1949) of the Countryside Act 1968 for the words " Natural Environment Research Council", in each place where they occur, there shall be substituted the words " Nature Conservancy Council ".

Conservation of Seals Act 1970

- 10 In section 10(3)(b) of the Conservation of Seals Act 1970 (consent to grant of licence to kill or take seals in nature reserves, etc.) for the words " the Council" there shall be substituted the words " the Nature Conservancy Council ".

Chichester Harbour Conservancy Act 1971

- 11 In section 11(3) of the Chichester Harbour Conservancy Act 1971 (constitution of the Chichester Harbour Conservancy Advisory Council) for paragraph (e) there shall be substituted the following paragraph: —
“(e) one shall be appointed on the nomination of the Nature Conservancy Council;”.

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Badgers Act 1973

- 12 In the following provisions of the Badgers Act 1973, namely—
- (a) section 6(1) (special protection for badgers);
 - (b) section 9(2)(a) (licences); and
 - (c) paragraph (d) of the definition of " authorised person" in section 11 (interpretation),
- for the words " Natural Environment Research Council" there shall be substituted the words " Nature Conservancy Council ".

Medway Ports Authority Act 1973

- 13 In section 93 of the Medway Ports Authority Act 1973 (protection of Nature Conservancy) after the words "Nature Conservancy " there shall be added the word " Council ".

SCHEDULE 2

Section 1.

AMENDMENTS OF 1965 ACT CONSEQUENTIAL ON ESTABLISHMENT OF COUNCIL

- 1 In section 1(3) of the 1965 Act (which sets out the objects of the Natural Environment Research Council) the words "and the establishment, maintenance and management of nature reserves" shall cease to have effect.
- 2 For subsection (3) of section 3 of that Act (re-allocation of activities connected with scientific research) there shall be substituted the following subsection:—
- “(3) The Natural Environment Research Council shall carry on the former activities of the National Oceanographic Council.”
- 3 Subsection (4) of the said section 3 shall cease to have effect.

SCHEDULE 3

Section 1.

ADMINISTRATIVE AND SUPPLEMENTARY PROVISIONS RELATING TO COUNCIL

PART I

GENERAL

Constitution and staff

- 1 The Council shall be a body corporate.
- 2 The Secretary of State shall appoint one of the members of the Council to be chairman of the Council and may appoint a member to be deputy chairman.
- 3 The chairman, deputy chairman and other members of the Council shall hold and vacate office in accordance with the terms of their appointment.

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- 4 A member of the Council may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman and deputy chairman of the Council may by such a notice resign their office as such without resigning their membership.
- 5 A member of the Council who ceases to be a member or ceases to be chairman or deputy chairman of the Council shall be eligible for reappointment.
- 6 The Secretary of State may remove a member of the Council from membership if he is satisfied that he—
- (a) has been adjudged bankrupt or has made a composition or arrangement with his creditors or, in Scotland, has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract; or
 - (b) is incapacitated by physical or mental illness ; or
 - (c) has, for a period of six consecutive months, been absent from meetings of the Council, otherwise than by reason of illness or some other cause approved during that period by the Council; or
 - (d) is in the opinion of the Secretary of State otherwise unable or unfit to discharge the functions of a member.
- 7 If the chairman or deputy chairman of the Council ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.
- 8 The proceedings of the Council and their committees shall not be invalidated by any vacancy in the number of their members, or by any defect in the appointment of any person as a member or as chairman or deputy chairman.
- 9 (1) The Council shall appoint a chief officer, but no such appointment shall be made except with the approval of the Secretary of State.
- (2) The Council may appoint such number of other officers as they may, with the approval of the Secretary of State and the Minister for the Civil Service, determine.

Remuneration and allowances for members and officers

- 10 (1) The Council—
- (a) shall pay to their members such remuneration and allowances (if any) as the Secretary of State may, with the approval of the Minister for the Civil Service, determine ; and
 - (b) as regards any member in whose case the Secretary of State may, with the approval of the Minister for the Civil Service, so determine, shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity, as the Secretary of State may, with the Minister's approval, determine.
- (2) If a person ceases to be a member of the Council, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may, with the approval of the Minister for the Civil Service, require the Council to pay to that person a sum of such amount as the Secretary of State may, with the Minister's approval, determine.
- 11 The Council shall pay to the officers of the Council such remuneration and allowances as the Council may, with the approval of the Secretary of State and the Minister for the Civil Service, determine.
- 12 The Council shall, in the case of such of their officers as they may, with the approval of the Secretary of State and the Minister for the Civil Service, determine—

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- (a) pay such pensions, allowances or gratuities to or in respect of them ;
 - (b) make such payments towards the 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 and the Minister, determine.

Documents

- 13 The application of the seal of the Council shall be authenticated by the signature of any member or officer of the Council authorised by them, either generally or specially, to act for that purpose.
- 14 Any document purporting to be a document duly executed under the seal of the Council, or to be signed on behalf of the Council, shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed or, as the case may be, signed.

Land

- 15 (1) For the purposes of the application of any enactment or rule of law to land an interest in which belongs to the Council, and which is managed as a nature reserve, the Council shall be deemed to be a Government department; and any other land occupied by them shall be deemed, for the purpose of any rate on property, to be property occupied by or on behalf of the Crown for public purposes.
- (2) In sub-paragraph (1) above " interest" and " land " have the meanings assigned to them by section 114 of the National Parks and Access to the Countryside Act 1949.

Reports, accounts etc.

- 16 The Council shall furnish the Secretary of State with such returns, accounts and other information with respect to their property and activities or proposed activities as he may from time to time require, and shall afford to the Secretary of State facilities for the verification of information so furnished and for that purpose permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the Council's accounts, books, documents or papers and give that person such explanation of them as he may reasonably require.
- 17 (1) The Council shall as soon as possible after 31st March 1975 make to the Secretary of State a report on the exercise and performance of their functions down to that date, and shall make a similar report to him as to each period of twelve months thereafter as soon as possible after its end.
- (2) The Secretary of State shall lay a copy of any report under this paragraph before each House of Parliament.
- 18 (1) The Council shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (2) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statements of account of the Council for the financial year last ended.

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- (3) The Comptroller and Auditor General shall examine and certify the statements of account transmitted to him under this paragraph, and lay copies of them together with his report thereon before each House of Parliament.
- (4) In this paragraph " financial year" means the period beginning with the day appointed under section 1 above and ending with 31st March 1974 and each period of twelve months thereafter.

PART II

APPLICATION OF ENACTMENTS

House of Commons Disqualification Act 1957

- 19 In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry " Any member of the Nature Conservancy Council in receipt of remuneration. ".

Superannuation Act 1965

- 20 In section 39(1) of the Superannuation Act 1965 (public offices) for the entry in paragraph 7 relating to the Nature Conservancy there shall be substituted the following entry:—
“The Nature Conservancy Council.”.

PART III

TRANSITIONAL

- 21 (1) The Secretary of State may at any time by order made by statutory instrument make such incidental, consequential transitional or supplementary provision as may appear to him to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto, and nothing in any other provision of this Act shall be construed as prejudicing the generality of this sub-paragraph.
- (2) An order under this paragraph may include provision for the transfer of rights, liabilities and obligations to the Council in connection with the transfer to them of functions discharged by the Natural Environment Research Council before the day appointed by section 1(7) above, and may in particular provide—
- (a) for the transfer and management or custody of property, whether real or personal, and in Scotland whether heritable or moveable, held by the Natural Environment Research Council wholly or partly for the purpose of any such function ; and
 - (b) for treating anything duly done by that Council in the exercise of any such function before the said appointed day as having been duly done by the Nature Conservancy Council and treating any instrument made before that day by the Natural Environment Research Council, if or so far as it was made

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in the exercise of any such function, as continuing in force on and after that day until varied or revoked by the Nature Conservancy Council.

- (3) Subject to sub-paragraph (4) below, any agreement, appointment, licence, byelaws, authorisation or other instrument in writing made or granted or treated by virtue of any enactment as having been made or granted by or to or in relation to the Natural Environment Research Council in connection with the discharge of any such function shall, as from the said appointed day, be treated as having been made or granted by, to or in relation to the Nature Conservancy Council.
- (4) Sub-paragraph (3) above is without prejudice to any provision made by an order under this paragraph, but has effect subject to any provision to the contrary made by such an order and in particular may be excluded by such an order from applying either wholly or to any specified extent in any particular case.

SCHEDULE 4

Section 5.

REPEALS

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	Section 25.
1965 c. 4.	The Science and Technology Act 1965.	In section 1(3), the words " and the establishment, maintenance and management of nature reserves ". Section 3(4). In Schedule 2, the entries relating to the Protection of Birds Act 1954, the Deer (Scotland) Act 1959 and the Deer Act 1963.