

*These notes refer to the Natural Environment and Rural Communities Act 2006 (c.16) which received Royal Assent on 30 March 2006*

# NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Natural England and the Commission for Rural Communities**

##### *Chapter 1: Natural England*

##### **Other functions**

##### *Sections 9 and 10: Information, consultancy and training services etc.*

75. These sections specify information, consultancy and training services that Natural England may provide. In relation to information services, section 9 provides that the power is not to be read as limited by any other enactment conferring more specific information powers. (An example of a more specific power is section 86 of the 1949 Act, which requires information to be provided about the location and means of access to National Parks, areas of outstanding natural beauty and long-distance routes.)

##### *Section 11: Power to charge for services and licences*

76. This section gives Natural England power, with the consent of the Secretary of State, to charge for its services. Charges are to be reasonable. The intention is to allow cost recovery.
77. The section also gives the Secretary of State a power, exercisable by negative-resolution statutory instrument, to require charges for licences where no charging provisions are set out elsewhere and to provide for exemptions or remissions from those charges.

##### *Section 12: Power to bring criminal proceedings*

78. This section provides that Natural England has the power to institute proceedings and the power to authorise persons other than barristers or solicitors to bring prosecutions on its behalf. This enables Natural England to have prosecutors on its staff in the same way as do organisations such as the Environment Agency and local authorities.

##### *Section 13: Incidental powers*

79. *Subsection (1)* gives Natural England power to do anything conducive or incidental to the discharge of its functions. This includes but is not limited to the powers listed in *subsection (2)*. The power to enter into agreements is not limited, and therefore can include working arrangements with persons in the private, public, voluntary and charity sectors.