

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 3: Supplementary

Transfer schemes etc.

Section 26: Transfers on dissolution of English Nature and Countryside Agency

96. This section makes provision for the transfer of property, rights and liabilities in connection with the dissolution of English Nature and the Countryside Agency. This will be by way of transfer schemes made by the Secretary of State (see Schedule 3).
97. The transfers may be to Natural England, the Commission for Rural Communities, regional development agencies and Ministers of the Crown.
98. In relation to the transfer of employment rights and liabilities, Schedule 3 provides for an equivalent of regulation 5 of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (as amended) (“TUPE”). Schedule 3 also provides for staff pensions. This is in the context of the Cabinet Office statement of practice of January 2000 “Staff Transfers in the Public Sector”, which states that public sector bodies should ensure that the principles of TUPE are followed and that transferring public sector staff are offered terms that are, overall, no less favourable those set out in TUPE.

Section 27: Continuing powers to make transfer schemes

99. This section enables further transfer schemes to be made in the future, in connection with the efficient management for public purposes of property, rights and liabilities.
100. The transfers allowed are set out in *subsections (2) and (3)* and are those from a Minister for the Crown to Natural England, the Commission or a person acting on their behalf, and those to a Minister for the Crown from Natural England or the Commission.

Section 29: Interim arrangements

101. This section gives the Secretary of State the power to require English Nature or the Countryside Agency to provide staff, premises or other facilities, on a temporary basis, to the Natural England or the Commission.
102. This power can be used during any period of transition between the establishment of the Natural England and the Commission for Rural Communities and the dissolution of English Nature and the Countryside Agency.