

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 8: Flexible administrative arrangements

Chapter 2: Powers to reform agricultural etc. bodies

Power to create boards

Section 87: Power to establish boards

216. This section confers power on the appropriate authority to make an order establishing a board. The order will specify the purpose for which the board is established and assign certain functions to it. The permissible purposes are set out in section 88; the permissible functions are set out in section 89. An order under this section must specify the geographical area in relation to which assigned functions are to be exercised.
217. “The appropriate authority” is defined in section 96 #
- in relation to matters concerning England only, the appropriate authority is the Secretary of State;
 - in relation to matters concerning Wales only, the appropriate authority is the National Assembly for Wales;
 - in relation to matters concerning Scotland only, the appropriate authority is the Scottish Ministers;
 - in relation to matters concerning Northern Ireland only, the appropriate authority is the Department of Agriculture and Rural Development in Northern Ireland;
 - in relation to certain other specified matters (broadly speaking cross-border matters), the appropriate authority is the Secretary of State acting with the approval of the National Assembly for Wales, the Scottish Ministers (where a draft of the order has been approved by a resolution of the Scottish Parliament) or the Department of Agriculture and Rural Development in Northern Ireland.
218. An order under this section is referred to in the Act (and in these notes) as a “section 87 order”.
219. The procedure for making a section 87 order is provided for in section 97.