

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Nature Conservation in the UK

Joint Nature Conservation Committee etc.

Section 31: Joint Nature Conservation Committee

103. The Joint Nature Conservation Committee, referred to as “the joint committee”, was established under Part 7 of the Environmental Protection Act 1990 (“the 1990 Act”). The Act re-enacts, with changes, the provisions of the 1990 Act that relate to the joint committee. The main change is that under the Act the joint committee has a UK-wide remit (covering England, Wales, Scotland and Northern Ireland), rather than merely a Great Britain remit (covering England, Wales and Scotland). This is reflected in Schedule 4, which reconstitutes the joint committee. The Schedule includes provision for Northern Ireland to have voting members.
104. [Schedule 4](#) also reproduces the effect of the changes made to the 1990 Act by the [Regulatory Reform \(Joint Nature Conservation Committee\) Order 2005 \(S.I. 2005/634\)](#). This will, amongst other things, provide the joint committee with the ability to employ its own staff and pay its chairman and independent members. It will also enable the Secretary of State to pay money directly to the joint committee.
105. Those powers are supplemented by provisions which provide that the conservation bodies for England, Wales and Scotland and the relevant Northern Ireland department must together contribute sufficient financial resources to the joint committee to enable it to discharge its functions. The level of contribution from each of the four bodies is decided by agreement by the relevant Ministers and Assembly members in Great Britain and the Northern Ireland department, following consultation with the bodies.

Section 32: UK conservation bodies

106. This section defines the terms “UK conservation bodies” and “GB conservation bodies”. Some of the joint functions to be discharged by the joint committee are UK-wide; others are GB-wide.

Section 33: Purpose of functions under this Part

107. The joint committee is given functions for the purpose of nature conservation and fostering the understanding of nature conservation. In discharging their functions under this Part, the UK conservation bodies and the joint committee are required to have regard to actual or possible ecological changes and the desirability of contributing to sustainable development.

Coordinated functions

Section 34: Functions of national or international significance

108. This section sets out functions of the UK conservation bodies that can be discharged only through the joint committee. These are functions of UK-wide or international significance. They include giving advice about nature conservation matters of UK-wide or international significance. Advice on the development and implementation of policies can be given to “the appropriate authorities”, i.e. the Ministers or governmental body in the relevant part of the UK. Advice can also be given, and knowledge disseminated, to any other person. The functions also include establishing common standards for nature conservation monitoring and for research and analysis, and commissioning or supporting research.

Section 35: Advice from joint committee to UK conservation body

109. This section gives the joint committee power to provide advice to UK conservation bodies, so long as that advice is connected with the functions of the body and is of UK-wide or international significance.

Section 36: GB functions with respect to wildlife

110. This section requires certain functions of the GB conservation bodies under the 1981 Act, to do with listing of protected animals and plants and related research, to be performed through the joint committee. The relevant provisions of the 1981 Act do not extend to Northern Ireland.

Directions

Section 38: Directions

111. This section enables the Secretary of State to give the joint committee directions about the exercise of certain functions. It is expected that, as the joint committee is a cross border body, any direction under this power would be made after consulting Scottish, Welsh and Northern Ireland Ministers. Directions made under this section must be complied with.