

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

NATURAL ENGLAND

Status

- 1 Natural England is to be a body corporate.

Commencement Information

- I1** Sch. 1 para. 1 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 2 Subject to paragraph 22 (nature reserves), Natural England is not to be regarded—
- (a) as a servant or agent of the Crown, or
 - (b) as enjoying any status, privilege or immunity of the Crown,
- and Natural England's property is not to be regarded as property of, or held on behalf of, the Crown.

Commencement Information

- I2** Sch. 1 para. 2 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Membership

- 3 (1) Natural England is to consist of—
- (a) a chairman appointed by the Secretary of State, and
 - (b) not less than 8 nor more than 15 other members appointed by the Secretary of State.
- (2) The Secretary of State must consult the chairman before appointing the other members.
- (3) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of Natural England's functions.
- (4) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified there.
- (5) The power to make an order under sub-paragraph (4) is exercisable by statutory instrument.
- (6) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.

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Commencement Information

I3 Sch. 1 para. 3 in force at 2.5.2006 by S.I. 2006/1176, art. 4

4 The Secretary of State may appoint one of the members to be deputy chairman.

Commencement Information

I4 Sch. 1 para. 4 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Term of office

5 Subject to paragraphs 6 to 8, a member holds and vacates office in accordance with the terms of his appointment.

Commencement Information

I5 Sch. 1 para. 5 in force at 2.5.2006 by S.I. 2006/1176, art. 4

6 A member may resign by giving written notice to the Secretary of State.

Commencement Information

I6 Sch. 1 para. 6 in force at 2.5.2006 by S.I. 2006/1176, art. 4

7 The Secretary of State may remove a member who—

- (a) has been absent from meetings of Natural England for a period longer than 6 months without the permission of Natural England,
- (b) has become bankrupt or has made an arrangement with his creditors or has had his estate sequestrated in Scotland, or
- (c) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his duties.

Commencement Information

I7 Sch. 1 para. 7 in force at 2.5.2006 by S.I. 2006/1176, art. 4

8 A person ceases to be chairman or deputy chairman if he—

- (a) resigns that office by giving written notice to the Secretary of State, or
- (b) ceases to be a member.

Commencement Information

I8 Sch. 1 para. 8 in force at 2.5.2006 by S.I. 2006/1176, art. 4

9 A person who—

- (a) ceases to be a member, or
- (b) ceases to be chairman or deputy chairman,

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is eligible for reappointment to that office.

Commencement Information

I9 Sch. 1 para. 9 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Remuneration and pensions etc.

10 Natural England may pay to the members such remuneration and allowances as the Secretary of State may determine.

Commencement Information

I10 Sch. 1 para. 10 in force at 2.5.2006 by S.I. 2006/1176, art. 4

11 If required to do so by the Secretary of State, Natural England must—

- (a) pay such pensions, gratuities or allowances to or in respect of any member as the Secretary of State may determine;
- (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any member.

Commencement Information

I11 Sch. 1 para. 11 in force at 2.5.2006 by S.I. 2006/1176, art. 4

12 (1) This paragraph applies if—

- (a) a person ceases to be a member, and
- (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.

(2) The Secretary of State may require Natural England to pay the person such amount as the Secretary of State may determine.

Commencement Information

I12 Sch. 1 para. 12 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Staff

13 (1) Natural England must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.

(2) The chief executive is an employee of Natural England.

(3) The Secretary of State may appoint the first chief executive.

Commencement Information

I13 Sch. 1 para. 13 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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14 Natural England may appoint other employees.

Commencement Information

I14 Sch. 1 para. 14 in force at 2.5.2006 by S.I. 2006/1176, art. 4

15 If required to do so by the Secretary of State, Natural England must—

- (a) pay such pensions, gratuities or allowances to or in respect of any employee as the Secretary of State may determine;
- (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any employee.

Commencement Information

I15 Sch. 1 para. 15 in force at 2.5.2006 by S.I. 2006/1176, art. 4

16 (1) Employment with Natural England is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.

(2) Natural England must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

Commencement Information

I16 Sch. 1 para. 16 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Procedure

17 Natural England may determine its own procedure (including quorum).

Commencement Information

I17 Sch. 1 para. 17 in force at 2.5.2006 by S.I. 2006/1176, art. 4

18 No proceeding is invalidated by—

- (a) a vacancy in the office of chairman, or
- (b) any defect in the appointment of any member.

Commencement Information

I18 Sch. 1 para. 18 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Discharge of functions

19 (1) Natural England may authorise a committee, sub-committee, member or employee of Natural England to exercise any of Natural England's functions.

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- (2) Sub-paragraph (1) does not prevent Natural England from exercising the function itself or affect the power of Natural England to authorise an employee to carry out functions of Natural England.

Commencement Information

I19 Sch. 1 para. 19 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Membership of committees and sub-committees

- 20 (1) A committee or sub-committee may include persons who are not members of Natural England.
- (2) Natural England may pay such remuneration and allowances as the Secretary of State may determine to any person who—
- (a) is a member of a committee or sub-committee, but
 - (b) is not a member or employee of Natural England.

Commencement Information

I20 Sch. 1 para. 20 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Application of seal and proof of documents

- 21 (1) The application of Natural England's seal must be authenticated by the signature of—
- (a) a member of Natural England who is authorised (generally or specially) for that purpose, or
 - (b) an employee who is so authorised.
- (2) A document purporting to be duly executed under the seal of Natural England—
- (a) is to be received in evidence, and
 - (b) is to be treated as so executed unless the contrary is shown.

Commencement Information

I21 Sch. 1 para. 21 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Nature reserves

- 22 (1) This paragraph applies to land in which Natural England has an interest and which is managed as a nature reserve.
- (2) For the purposes of the application of any enactment or rule of law to the land Natural England is to be treated as a government department.
- (3) An interest in land includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement.

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Commencement Information

I22 Sch. 1 para. 22 in force at 2.5.2006 by S.I. 2006/1176, art. 4

Reports, accounts etc.

- 23 (1) For each financial year, Natural England must—
- (a) prepare an annual report on how it has discharged its functions during the year, and
 - (b) send a copy of the report to the Secretary of State within such period as the Secretary of State directs.
- (2) In this paragraph and paragraph 24, “financial year” means—
- (a) the period beginning with the day on which Natural England is established and ending with the next 31st March, and
 - (b) each subsequent period of 12 months ending with 31st March.

Commencement Information

I23 Sch. 1 para. 23 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 24 (1) Natural England must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, Natural England must—
- (a) prepare a statement of accounts in respect of that financial year, and
 - (b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State directs.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
 - (b) send a copy of the certified statement and of his report to the Secretary of State as soon as possible.

Commencement Information

I24 Sch. 1 para. 24 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 25 The Secretary of State must lay before each House of Parliament a document consisting of—
- (a) a copy of the report sent under paragraph 23(1), and
 - (b) a copy of the statement and report sent under paragraph 24(4).

Commencement Information

I25 Sch. 1 para. 25 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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- 26 (1) Natural England must provide the Secretary of State with such information as he may require relating to Natural England's property or to the discharge or proposed discharge of its functions.
- (2) Natural England must also—
- (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of Natural England, and
 - (b) provide such explanation of them as that person or the Secretary of State may require.

Commencement Information

I26 Sch. 1 para. 26 in force at 2.5.2006 by S.I. 2006/1176, art. 4

VALID FROM 01/10/2006

SCHEDULE 2

Section 17

COMMISSION FOR RURAL COMMUNITIES

VALID FROM 01/10/2006

SCHEDULE 3

Section 28

TRANSFER SCHEMES

Creation and apportionment of property, rights and liabilities etc.

- 1 A scheme may—
- (a) create for the transferor interests in or rights over property transferred by virtue of the scheme;
 - (b) create for the transferee interests in or rights over property retained by the transferor;
 - (c) create rights or liabilities between the transferor and the transferee.
- 2 (1) A scheme may provide for the transfer of property, rights or liabilities that would not otherwise be capable of being transferred or assigned.
- (2) In particular, it may provide for the transfer to take effect regardless of a contravention, liability or interference with an interest or right that would otherwise exist by reason of a provision having effect in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.
- (3) It does not matter whether the provision referred to in sub-paragraph (2) has effect under an enactment or an agreement or in any other way.

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3 A certificate by the Secretary of State that anything specified in the certificate has vested in any person by virtue of a scheme is conclusive evidence for all purposes of that fact.

Employment contracts

4 (1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

(2) The contract of employment—

(a) is not terminated by the transfer, and

(b) has effect from the transfer date as if made between the employee and the transferee.

(3) The rights, powers, duties and liabilities of the transferor under or in connection with the contract are transferred to the transferee on the transfer date.

(4) Anything done before the transfer date by or in relation to the transferor in respect of the contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

(5) This paragraph is subject to paragraph 5.

5 (1) Rights and liabilities under a contract of employment are not transferred under this Schedule if the employee informs the transferor or transferee that he objects to the transfer.

(2) If the employee informs the transferor or transferee that he objects—

(a) his contract of employment is terminated immediately before the transfer date, but

(b) he is not to be treated, for any purpose, as having been dismissed by the transferor.

6 Nothing in this Schedule affects any right a person has to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

Civil servants treated as employed under a contract of employment etc.

7 (1) This Schedule applies with the following modifications in relation to employment in the civil service of the State on terms which do not constitute a contract of employment.

(2) In the case of an individual who holds employment in the civil service of the State immediately before the transfer date—

(a) he is to be treated as employed by virtue of a contract of employment,

(b) the terms of that employment are to be regarded as constituting the terms of that contract, and

(c) the reference in paragraph 5 to dismissal by the transferor is to termination of that employment.

(3) In the case of an individual who is to hold employment in the civil service of the State on and after the transfer date, the terms and conditions of his contract of employment immediately before that date have effect on and after that date as if they were terms and conditions of his employment in the civil service of the State.

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Compensation

8 A scheme may contain provision for the payment of compensation by the Secretary of State to any person whose interests are adversely affected by it.

Continuity

9 A transfer under this Schedule does not affect the validity of anything done by or in relation to the transferor before the transfer takes effect.

10 Anything which—

- (a) is done by the transferor for the purposes of or otherwise in connection with anything transferred by virtue of a scheme, and
- (b) is in effect immediately before the transfer date,

is to be treated as done by the transferee.

11 There may be continued by or in relation to the transferee anything (including legal proceedings)—

- (a) which relates to anything transferred by virtue of a scheme, and
- (b) which is in the process of being done by or in relation to the transferor immediately before the transfer date.

12 (1) This paragraph applies to any document—

- (a) which relates to anything transferred by virtue of a scheme, and
- (b) which is in effect immediately before the transfer date.

(2) Any references in the document to the transferor are to be read as references to the transferee.

Incidental provision

13 A scheme may include supplementary, incidental, transitional and consequential provision.

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SCHEDULE 4

Section 31

JOINT NATURE CONSERVATION COMMITTEE

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SCHEDULE 5

Section 52

ENFORCEMENT POWERS IN CONNECTION WITH WILDLIFE

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VALID FROM 31/05/2006

SCHEDULE 6

Section 53

WILDLIFE OFFENCES: TIME LIMITS FOR PROCEEDINGS

Destructive Imported Animals Act 1932 (c. 12)

1 In section 6 (offences relating to importation etc. of musk rats without licence etc.), after subsection (2) insert—

“(3) Proceedings in England and Wales for an offence under this section may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.

(5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

Conservation of Seals Act 1970 (c. 30)

2 In section 5 (penalties for offences), after subsection (2) insert—

“(3) Proceedings in England and Wales for an offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.

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(5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

Wildlife and Countryside Act 1981 (c. 69)

3 (1) Amend section 20 (summary prosecutions) as follows.

(2) In subsection (2), for “Summary proceedings for an offence under this Part” substitute “ Proceedings for a summary offence under this Part ”.

(3) In the heading, for “Summary prosecutions” substitute “ Proceedings for summary offences ”.

4 After section 51 insert—

“51A Summary prosecutions

(1) Proceedings in England and Wales for a summary offence under this Part may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.

(3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

Deer Act 1991 (c. 54)

5 In section 9 (penalties for offences relating to deer), after subsection (2) insert—

“(3) Proceedings for an offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.

(5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

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(6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

Protection of Badgers Act 1992 (c. 51)

6 After section 12 insert—

“12ZA Time limit for bringing summary proceedings (England and Wales)

- (1) Proceedings in England and Wales for a summary offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

VALID FROM 31/05/2006

SCHEDULE 7

Section 80

DESIGNATED BODIES

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VALID FROM 01/10/2006

SCHEDULE 8

Section 87

AGRICULTURAL ETC. BOARDS

Status

1 A board is (by virtue of this Schedule) a body corporate.

2 A board is not to be regarded—

- (a) as a servant or agent of the Crown, or
- (b) as enjoying any status, privilege of immunity of the Crown,

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and the board's property is not to be regarded as property of, or held on behalf of, the Crown.

Membership

- 3 A board is to consist of—
- (a) a chairman appointed by the appropriate authority, and
 - (b) such other number of members as the appropriate authority may appoint.
- 4 The appropriate authority may appoint one of the members to be deputy chairman.
- 5 A section 87 order may include provision as to qualification or disqualification for membership.

Term of office

- 6 A section 87 order may include provision as to—
- (a) the members' term of office, and
 - (b) their removal from office.

Remuneration and pensions

- 7 A section 87 order may include provision—
- (a) as to the payment to the members of remuneration and allowances, and
 - (b) as to the payment of pensions, gratuities or allowances to or in respect of the members.

Staff

- 8 A section 87 order may include provision as to the appointment of employees, their remuneration and other terms of employment.

Reports, accounts etc.

- 9 A section 87 order may include provision requiring the board to prepare and submit reports to persons specified in the order.
- 10 A section 87 order must include provision—
- (a) requiring the board to prepare and submit accounts to persons specified in the order;
 - (b) requiring a statement of the accounts to be examined, certified and reported on by the Comptroller and Auditor General.
- 11 A section 87 order may include provision requiring any documents of a description specified in the order to be laid before—
- (a) each House of Parliament;
 - (b) the National Assembly for Wales;
 - (c) the Scottish Parliament;
 - (d) the Northern Ireland Assembly.

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SCHEDULE 9

Section 89

FUNCTIONS WHICH MAY BE ASSIGNED TO BOARDS

- 1 Promoting or undertaking scientific research.
- 2 (1) Promoting or undertaking inquiry—
 - (a) as to materials and equipment, and
 - (b) as to methods of production, management and labour utilisation.
- (2) Promoting or undertaking inquiry under sub-paragraph (1) includes promoting or undertaking—
 - (a) the discovery and development of—
 - (i) new materials, equipment and methods, and
 - (ii) improvements in those already in use,
 - (b) the assessment of the advantages of different alternatives, and
 - (c) the conduct of experimental establishments and of tests on a commercial scale.
- 3 Promoting the production and marketing of standard products.
- 4 Promoting the better definition of trade descriptions and consistency in the use of trade descriptions.
- 5 Developing, promoting, marketing or operating—
 - (a) standards relating to the quality of products, or
 - (b) systems for the classification of products.
- 6 Developing, reviewing or operating schemes for the certification of products or of operations connected with production or supply of products.
- 7 Undertaking the certification of products, the registration of certification trade marks, and the functions of proprietors of such marks.
- 8 Providing or promoting the provision of—
 - (a) training for persons engaged in or proposing to be engaged in the industry, and
 - (b) their education in subjects relevant to the industry.
- 9 (1) Promoting—
 - (a) the adoption of measures for securing safer and better working conditions, and
 - (b) the provision and improvement of amenities for persons employed.
- (2) Promoting or undertaking inquiry as to measures for securing safer and better working conditions.
- 10 Promoting or undertaking research into the incidence, prevention and cure of industrial diseases.
- 11 Promoting or undertaking arrangements for encouraging the entry of persons into the industry.

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- 12 Promoting or undertaking research for improving arrangements for marketing and distributing products.
- 13 Promoting or undertaking research into matters relating to the consumption or use of goods and services supplied by the industry.
- 14 Promoting arrangements—
 - (a) for co-operative organisations,
 - (b) for supplying materials and equipment, and
 - (c) for marketing and distributing products.
- 15 Promoting the development of export trade, including promoting or undertaking arrangements for publicity overseas.
- 16 Promoting or undertaking arrangements for better acquainting the public in the United Kingdom with the goods and services supplied by the industry and methods of using them.
- 17 Promoting or undertaking the collection and formulation of statistics.
- 18 Advising on any matters relating to the industry (other than remuneration or conditions of employment) as to which the appropriate authority may request the board to advise, and undertaking inquiry for the purpose of enabling the board to advise on such matters.
- 19 Undertaking arrangements for making available information obtained, and for advising, on matters with which the board is concerned in the exercise of any of its functions.

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SCHEDULE 10

Section 90

ANCILLARY PROVISIONS RELATING TO BOARDS

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Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

SCHEDULE 11

Section 105(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

GENERAL

VALID FROM 01/10/2006

Destructive Imported Animals Act 1932 (c. 12)

- 1 (1) Amend section 5 (provisions as to musk rats found at large) as follows.
- (2) In subsection (3) for “any persons employed by, or on behalf of, the department for that purpose” substitute “ any authorised persons ”.
- (3) After subsection (3) insert—
- “(3A) “Authorised person” means—
- (a) in relation to England and Wales, a person authorised in writing by the appropriate department to exercise powers under subsection (3);
- (b) in relation to Scotland, a person employed by or on behalf of the appropriate department for the purposes of subsection (3).”

VALID FROM 01/10/2006

Hill Farming Act 1946 (c. 73)

- 2 Omit section 32 (advisory committees).
- 3 In section 34 (power to enter on and inspect land), after subsection (2) insert—
- “(3) This section applies in relation to land in England as if, for the purposes of an agreement under Chapter 1 of Part 8 of the Natural Environment and Rural Communities Act 2006 (agreements with designated bodies), references to an officer of the appropriate Minister authorised by general or special directions given by him were references to a person authorised by the appropriate Minister by general or special directions given by him.”

VALID FROM 01/10/2006

Industrial Organisation and Development Act 1947 (c. 40)

- 4 In section 5 (restriction on disclosure of information), after subsection (3) insert—

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- “(3A) Subsections (2) and (3) do not apply to disclosure—
- (a) by a development council established in relation to an industry whose activities include an agricultural activity;
 - (b) to, or to an officer of, Natural England;
 - (c) to, or to an officer of, the Commission for Rural Communities;
 - (d) to, or to an officer of, the Joint Nature Conservation Committee;
 - (e) to, or to an officer of, a body specified in Schedule 7 to the Natural Environment and Rural Communities Act 2006;
 - (f) to, or to an officer of, a board established under Chapter 2 of Part 8 of the 2006Act.”
- 5 (1) Amend section 9 (levies for certain purposes for industries for which there is no development council) as follows.
- (2) In subsection (1), for “not a development council” substitute “ neither a development council nor a relevant board ”.
- (3) After subsection (1) insert—
- “(1A) “Relevant board” means a board established under Chapter 2 of Part 8 of the Natural Environment and Rural Communities Act 2006.”

VALID FROM 01/10/2006

- National Parks and Access to the Countryside Act 1949 (c. 97)*
- 6 For the title of Part 1, substitute “ The Countryside Council for Wales ”.
- 7 (1) Amend section 1 (the Countryside Agency and the Countryside Council for Wales) as follows.
- (2) In subsection (1), omit—
- (a) “There shall be a Countryside Agency which shall exercise functions in relation to England for the purposes specified in subsection (2) below; and”,
 - and
 - (b) “corresponding” (in both places).
- (3) Omit subsection (2).
- (4) In the heading, omit “Countryside Agency and the”.
- 8 (1) Amend section 3 (power of Minister to give directions to Agency or Council) as follows.
- (2) In subsection (1)—
- (a) for “the Agency or to the Council”, and
 - (b) for “the Agency or Council”,
- substitute “ the Council ”.
- (3) In the heading, for “Commission” substitute “ the Council ”.
- 9 In section 4A (application of Part 2 in Wales), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.

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Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

- 10 In each of the following provisions for “the Agency” substitute “ Natural England ”
- (a) section 5(2) and (3);
 - (b) section 6(1), (3), (4) and (5);
 - (c) section 7(1), (2), (4) and (6);
 - (d) section 9(1);
 - (e) section 51(1), (2), (3) and (4);
 - (f) section 52(1) and (2);
 - (g) section 55(1) and (2);
 - (h) section 65(5) and (5A);
 - (i) section 85;
 - (j) section 86(1) and (2);
 - (k) section 86A;
 - (l) section 90(4);
 - (m) section 91(1).
- 11 (1) Amend section 6 (general duties of Agency in relation to National Parks) as follows.
- (2) In subsection (1), omit “as soon as may be after the commencement of this Act, and thereafter”.
 - (3) In subsection (4), omit paragraphs (a) and (c).
 - (4) In the heading, for “Commission” substitute “ Natural England ”.
- 12 For section 15 (meaning of “nature reserve”) substitute—
- “15 Meaning of “nature reserve”**
- (1) In this Part, “nature reserve” means—
 - (a) land managed solely for a conservation purpose, or
 - (b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.
 - (2) Land is managed for a conservation purpose if it is managed for the purpose of—
 - (a) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or
 - (b) preserving flora, fauna or geological or physiographical features of special interest in the area,
 or for both those purposes.
 - (3) Land is managed for a recreational purpose if it is managed for the purpose of providing opportunities for the enjoyment of nature or for open-air recreation.”
- 13 (1) Amend section 15A (meaning of “Nature Conservancy Council”) as follows.

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- (2) Number the provisions of section 15A as subsection (1).
- (3) In subsection (1)—
- (a) for “references to “the Nature Conservancy Council” are references” substitute “ references to the appropriate conservation body are references ”, and
 - (b) in paragraph (a), for “English Nature” substitute “ Natural England ”.
- (4) After subsection (1) insert—
- “(2) In this Part of this Act—
- (a) “nature reserve agreement” means an agreement under section 7 of the 2006 Act for securing that land which it appears expedient in the national interest should be managed as a nature reserve shall be so managed, and
 - (b) “the 2006 Act” means the Natural Environment and Rural Communities Act 2006.”
- (5) In the heading for “ “Nature Conservancy Council”” substitute “ appropriate conservation body ”.
- 14 (1) Amend section 16 (agreements for management of nature reserves) as follows.
- (2) In subsection (1), for “the Nature Conservancy Council”—
- (a) in the first place where it occurs, substitute “ The Council or Scottish Natural Heritage ”, and
 - (b) in the second place where it occurs, substitute “ the Council or (as the case may be) Scottish Natural Heritage ”.
- (3) In subsection (3)(b) and (c), for “the Nature Conservancy Council” substitute “ the Council or (as the case may be) Scottish Natural Heritage ”.
- (4) In subsection (4), for “the Nature Conservancy Council”, substitute “ the Council ”.
- (5) For the heading substitute “ Agreements for management of nature reserves in Scotland and Wales ”.
- 15 In each of the following provisions for “the Nature Conservancy Council” substitute “ the appropriate conservation body ”
- (a) section 17(1) and (2);
 - (b) section 18(1) and (2);
 - (c) section 19(1), (2), (3), (4) and (5);
 - (d) section 20(1), (2)(c) and (3);
 - (e) section 21(1) and (6);
 - (f) section 22;
 - (g) section 103(1);
 - (h) section 106(1).
- 16 In section 17 (compulsory acquisition of land for establishment of nature reserves)—
- (a) in subsection (2), for “agreement under the last foregoing section” substitute “ nature reserve agreement or an agreement under section 16 ”, and
 - (b) in the heading, for “Conservancy” substitute “ conservation body ”.

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17	In section 18 (compulsory acquisition of land for maintenance of nature reserves) — (a) in subsection (1), for “an agreement under the last but one foregoing section” substitute “ a nature reserve agreement or an agreement under section 16 ”, and (b) in the heading, for “Conservancy” substitute “ conservation body ”.
18	In section 19 (declarations as to what are nature reserves), in subsection (1), for “an agreement entered into with them under the foregoing provisions of this Part of this Act” substitute “ a nature reserve agreement or an agreement under section 16 ”.
19	In section 21 (establishment of nature reserves by local authorities), in subsection (4), for “the Nature Conservancy Council” substitute “ the appropriate conservation body, the Council or Scottish Natural Heritage ”.
20	In section 50A (application of Part 4 in Wales), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.
21	In section 64 (access agreements), omit subsection (5).
22	In the heading to section 85 (general duty of Commission to advise on questions relating to natural beauty), for “Commission” substitute “ Natural England and the Council ”.
23	In the heading to section 86 (information services to be provided by Commission), for “Commission” substitute “ Natural England ”.
24	In section 114 (interpretation), in subsection (1), omit the definition of “the Agency”.
25	In Schedule 1 (provisions as to making, confirmation, coming into operation and validity of certain instruments), in paragraph 2(5)— (a) for “the Agency,” in the first place where it occurs, substitute “ Natural England, ”, and (b) for “the Agency,” in the second place where it occurs, substitute “ Natural England, the ”.

VALID FROM 01/10/2006

Manoeuvres Act 1958 (7 & 8 Eliz. 2 c. 7)

26	In— (a) section 1 (power to authorise execution of manoeuvres), in subsection (3)(a)(iii), and (b) section 4 (manoeuvres commissions), in subsection (1)(d), for “the Countryside Agency” substitute “ Natural England ”.
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VALID FROM 01/10/2006

Agricultural Marketing Act 1958 (c. 47)

- 27 In section 19 (consumers' committees and committees' of investigation), omit subsections (1) to (5) and (9).
- 28 (1) Amend section 20 (directions by Ministers to boards as respects certain matters) as follows.
- (2) In subsection (3), omit the words from “, and if, within” to the end.
- (3) Omit subsections (4) and (7).
- 29 (1) Amend section 21 (temporary directions by Ministers) as follows.
- (2) In subsection (1), omit—
- (a) paragraph (b) and “or” preceding it,
- (b) “or, as the case may be, of the report or complaint”, and
- (c) “or direction”.
- (3) In subsection (2), omit the proviso.
- (4) Omit subsection (3).
- (5) In subsection (4), for “periods prescribed by subsections (2) and (3)” substitute “period prescribed by subsection (2)”.
- 30 (1) Amend section 32 (general provisions as to commissions and committees) as follows.
- (2) In subsection (1), omit—
- (a) “or committee” (in both places), and
- (b) “or appointed”.
- (3) In subsections (2) and (3), omit “or committee” (in each place).
- (4) Omit subsection (4).
- 31 In section 47 (restrictions on disclosing certain information obtained under Act), in subsection (2), omit “, consumers' committee, committee of investigation”.
- 32 In section 53 (provisions as to Northern Ireland), in subsection (5)—
- (a) omit “consumers' committee and committees of investigation shall operate, and the”,
- (b) for “operate and are applicable respectively” substitute “are applicable”, and
- (c) omit the words from “, but when any such committee” to the end of the subsection.
- 33 In Schedule 3 (matters referred to in the definition of “the Minister”), in Parts 2, 5 and 6, omit paragraphs 2 and 3.

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Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

Public Records Act 1958 (c. 51)

- 34 (1 In Schedule 1 (definition of public records), amend Part 2 of the table at the end of paragraph 3 as follows.
- (2 Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”.
- (3) Omit the entries relating to English Nature and the Countryside Agency.

Commencement Information

I27 Sch. 11 para. 34(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

VALID FROM 01/10/2006

Cereals Marketing Act 1965 (c. 14)

- 35 In section 6 (further non-trading functions of Authority), in subsection (2), omit “(subject to section 17(2) of this Act)”.
- 36 In section 17 (offences in relation to scheme under section 16), omit—
- (a) subsection (2), and
 - (b) in subsection (3), paragraph (c) and “or” preceding it.

VALID FROM 01/10/2006

Superannuation Act 1965 (c. 74)

- 37 In section 39 (meaning of “public office” etc.), in subsection (1), in paragraph 7, omit the entry relating to English Nature.

VALID FROM 01/10/2006

Sea Fisheries Regulation Act 1966 (c. 38)

- 38 In section 5A (byelaws under section 5 for marine environmental purposes), in subsection (3)(a), for “English Nature” substitute “ Natural England ”.

Parliamentary Commissioner Act 1967 (c. 13)

- 39 (1 Amend Schedule 2 (departments and authorities subject to investigation) as follows.
- (2 Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”.
- (3) Omit the entries relating to the Countryside Agency and English Nature.

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

Commencement Information

I28 Sch. 11 para. 39(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

VALID FROM 01/10/2006

Agriculture Act 1967 (c. 22)

40 Omit section 24 (disclosure of information).

VALID FROM 01/10/2006

Countryside Act 1968 (c. 41)

41 In the heading preceding section 1, for “Agency” substitute “ Council for Wales ”.

42 For section 1 (general functions of the Countryside Agency and the Countryside Council for Wales) substitute—

“1 General functions of the Countryside Council for Wales

(1) The purposes for which the Countryside Council for Wales is to exercise the functions conferred on them by this Act are those specified in section 130(2) of the Environmental Protection Act 1990.

(2) The Council may—

- (a) make such charges for any of their services as they think fit,
- (b) 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 and to the provisions of the National Parks and Access to the Countryside Act 1949 (in this Act referred to as “the Act of 1949”) and this Act, to apply it for those purposes, and
- (c) do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.”

43 (1) Amend section 2 (new functions of the Agency) as follows.

(2) In subsection (1)—

- (a) for “Agency and the Council shall each” substitute “ Council shall ”, and
- (b) for “Agency or Council” (in both places) substitute “ Council ”.

(3) In subsections (2) to (4)—

- (a) for “Agency and the Council” (in each place) substitute “ Council ”, and
- (b) for “Agency or Council” (in each place) substitute “ Council ”.

(4) In subsection (5)—

- (a) for “Agency or to the Council” substitute “ Council ”,
- (b) for “Agency or, as the case may be, the Council” substitute “ Council ”, and
- (c) in paragraph (b)—

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- (i) for “Agency or Council” (in each place) substitute “ Council ”, and
 (ii) for “provisions of section 1(2)” substitute “ purposes mentioned in section 1(1) ”.
- (5) In subsections (6) to (8)—
 (a) for “Agency and the Council” (in each place) substitute “ Council ”, and
 (b) for “Agency or Council” (in each place) substitute “ Council ”.
- (6) In subsection (9)—
 (a) omit “Agency and the” and “Agency or”, and
 (b) for “Exchequer grants under the Act of 1949” substitute “ grants under section 16 of the Welsh Development Agency Act 1975 ”.
- (7) In the heading, for “Agency” substitute “ Council ”.
- 44 (1) Amend section 4 (experimental projects or schemes) as follows.
 (2) In subsection (1)—
 (a) for “Agency and the Council” substitute “ Council ”, and
 (b) for “Agency or Council” substitute “ Council ”.
 (3) In subsection (3) for “Agency or, as the case may be, the Council” substitute “ Council ”.
 (4) In subsections (4) to (6) for “Agency or Council” (in each place) substitute “ Council ”.
 (5) In subsection (5) for “Agency or by the Council” substitute “ Council ”.
 (6) In subsection (6) for “Agency or of the Council” substitute “ Council ”.
- 45 In section 8 (country park: sailing, boating, bathing and fishing), in subsection (5), for “the Agency” substitute “ Natural England ”.
- 46 (1) Amend section 12 (facilities in or near National Parks) as follows.
 (2) In subsection (1)—
 (a) in the first sentence, omit “, at the request of, and in accordance with terms laid down by, the Agency or, as the case may be, the Council,” and
 (b) omit the second sentence.
 (3) In subsection (5), in the first sentence, for “the Agency” substitute “ Natural England ”.
- 47 In section 13 (lakes in national parks: control of boats etc.), in subsection (4)—
 (a) for “sections 1 and” substitute “ section ”, and
 (b) for “the Agency” substitute “ Natural England ”.
- 48 (1) Amend section 15 (agreements in respect of areas of special scientific interest) as follows.
 (2) In —
 (a) subsection (1), for “the Nature Conservancy Council (in this section referred to as “the Council”)” substitute “ the Council or Scottish Natural Heritage ”, and
 (b) in subsections (2) and (3), after “the Council” insert “ or (as the case may be) Scottish Natural Heritage ”.

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- (3) In subsection (6), in the substituted subsection (4), for “the Council” substitute “Scottish Natural Heritage”.
- (4) Omit subsection (6A).
- 49 (1) Amend section 15A (compulsory purchase) as follows.
- (2) For subsection (1) substitute—
- “(1) Natural England or the Council may, in the circumstances set out in subsection (2), acquire compulsorily all or part of the land which it appears to that body expedient to acquire for the purpose of conserving flora, fauna, or geological or physiographical features of special interest.”
- (3) In subsection (2)—
- (a) in paragraph (a)—
- (i) for “the Nature Conservancy Council” substitute “Natural England or (as the case may be) the Council”, and
- (ii) for “such an agreement as is referred to in section 15(2)” substitute “an SSSI agreement”, and
- (b) in paragraph (b), for “such an agreement” substitute “an SSSI agreement”.
- (4) In subsection (4), for “the Nature Conservancy Council” substitute “Natural England or the Council”.
- (5) Omit subsection (5).
- (6) After subsection (4) insert—
- “(6) In this section “SSSI agreement” means—
- (a) in relation to Natural England, an agreement under section 7 of the 2006 Act imposing, for the purpose of conserving flora, fauna, or geological or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land, or
- (b) in relation to the Council, such an agreement as is referred to in section 15(2).”
- 50 In section 23 (provision of facilities by Forestry Commissioners), in subsection (5) omit “Countryside Agency and the” and “each”.
- 51 In section 37 (protection for interests in countryside) for “the Agency, the Council, English Nature” substitute “Natural England, the Council”.
- 52 In section 38 (avoidance of pollution), for “the Agency” substitute “Natural England”.
- 53 (1) Amend section 41 (power to make byelaws and related provisions about wardens) as follows.
- (2) For subsection (2) substitute—
- “(2) Natural England and the Council may make byelaws for the preservation of order and other purposes mentioned in subsection (1)—
- (a) in the case of Natural England, as respects land—

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	(i) to which the public have rights of access under a management agreement under section 7 of the Natural Environment and Rural Communities Act 2006, or
	(ii) held by them for the purposes of an experimental scheme under section 8 of that Act, and
	(b) in the case of the Council, as respects land—
	(i) held by them for the purposes of section 4, or
	(ii) to which the public have access under an agreement under section 4(5)(b).”
	(3) In subsections (5), (8) and (9), for “the Agency” substitute “ Natural England ”.
54	In section 45 (agreements with landowners), in subsection (1), omit “the Agency,”.
55	(1) Amend section 46 (application of general provisions of 1949 Act) as follows.
	(2) In subsection (2), for “references to the Nature Conservancy Council shall include references to the Agency and any reference to the Nature Conservancy Council,” substitute “ the reference to the appropriate conservation body ”.
	(3) In subsection (4), omit “experimental projects or schemes,”.
56	In section 49 (interpretation), in subsection (2), omit the definition of “the Agency”.

VALID FROM 01/10/2006

	<i>Conservation of Seals Act 1970 (c. 30)</i>
57	(1) Amend section 10 (power to grant licences) as follows.
	(2) In subsection (3), in paragraph (b), for “the Nature Conservancy Council” substitute “ the appropriate nature conservation body ”.
	(3) In subsection (5) for “a reference to “the Nature Conservancy Council” is a reference to English Nature,” substitute “ “the appropriate nature conservation body” means Natural England, ”.

Superannuation Act 1972 (c. 11)

- 58 (1) Amend Schedule 1 (kinds of employment to which that Act applies) as follows.
- (2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
- (3) Omit the entries relating to the Countryside Agency and English Nature.

Commencement Information

I29 Sch. 11 para. 58(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

VALID FROM 01/10/2006

Local Government Act 1974 (c. 7)

59 For section 9 (grants and loans by the Countryside Agency and the Countryside Council for Wales) substitute—

“9 Grants and loans by the Countryside Council for Wales

- (1) In accordance with arrangements approved by the National Assembly for Wales, the Countryside Council for Wales may give financial assistance by way of grant or loan, or partly in the one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the Council, is conducive to the attainment of any of the purposes of—
 - (a) the National Parks and Access to the Countryside Act 1949,
 - (b) the Countryside Act 1968, or
 - (c) the Countryside and Rights of Way Act 2000.
- (2) On making a grant or loan under this section the Countryside Council for Wales may impose such conditions as they think fit including (in the case of a grant) conditions for repayment in specified circumstances.
- (3) The exercise of the power of the Countryside Council for Wales under this section is subject to any directions given to the Council by the National Assembly for Wales.”

House of Commons Disqualification Act 1975 (c. 24)

- 60 (1 Amend Schedule 1 (offices disqualifying for membership) as follows.
- (2 In Part 2 (bodies of which all members are disqualified), insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
- (3) In Part 3 omit the entries relating to the Countryside Agency and English Nature.

Commencement Information

I30 Sch. 11 para. 60(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

Race Relations Act 1976 (c. 74)

- 61 (1 Amend Schedule 1A (bodies and other persons subject to general statutory duty) as follows.
- (2) In Part 2, after the entry relating to the Commission for Racial Equality insert— “ Commission for Rural Communities. ”
- (3 In that Part, after the entry relating to the Insolvency Rules Committee insert— “ Natural England. ”

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(4) In that Part, omit the entries relating to English Nature, the Hill Farming Advisory Committee for Scotland and the Hill Farming Advisory Sub-Committee for Wales.

(5) In Part 3, omit the entry relating to the Countryside Agency.

Commencement Information

I31 Sch. 11 para. 61(1)(3) in force at 2.5.2006 for specified purposes for E.W. by [S.I. 2006/1176](#), **art. 4**

VALID FROM 01/10/2006

Import of Live Fish (England and Wales) Act 1980 (c. 27)

62 In section 1 (power to limit the import etc. of fish and fish eggs), in subsection (2) for “English Nature” substitute “ Natural England ”.

VALID FROM 01/10/2006

Highways Act 1980 (c. 66)

63 In section 105B (procedure), in subsection (8), in paragraph (b) of the definition of “the consultation bodies”, for “the Countryside Agency, English Heritage and English Nature” substitute “ Natural England and English Heritage ”.

64 In section 119D (diversion of certain highways for protection of sites of special scientific interest), in subsection (12), in paragraph (a) of the definition of “the appropriate conservation body”, for “English Nature” substitute “ Natural England ”.

65 In section 119E (provisions supplementary to section 119D), in subsection (2), at the end of paragraph (a) insert “ and ” and omit paragraph (c) and “and” preceding it.88

66 In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsection (2)(c), for “the Countryside Agency” substitute “ Natural England ”.

67 In section 135A (temporary diversion for dangerous works), in subsection (6) (b), for “the Countryside Agency” substitute “ Natural England ”.

VALID FROM 01/10/2006

Animal Health Act 1981 (c. 22)

68 (1) Amend section 21 (destruction of wild life on infection other than rabies) as follows.

(2) In subsection (3), for “Nature Conservancy Council” substitute “ appropriate conservation body ”.

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- (3) In subsection (9), in the definition of “Nature Conservancy Council”, for “Nature Conservancy Council” means English Nature,” substitute “ “appropriate conservation body” means Natural England, ”.
- 69 In section 22 (powers of entry for section 21), in subsection (7)—
- (a) in paragraph (a), for “a Nature Conservancy Council under section 132 of the Environmental Protection Act 1990 or by Scottish Natural Heritage under section 4(7) of the Natural Heritage (Scotland) Act 1991” substitute “ the appropriate conservation body ”, and
- (b) for “the Council” (in both places) substitute “ the body ”.

VALID FROM 01/10/2006

Wildlife and Countryside Act 1981 (c. 69)

- 70 In section 10 (exceptions to section 9), in subsection (5), for “Nature Conservancy Council” substitute “ conservation body ”.
- 71 In section 15 (endangered species (import and export)), in subsection (2), for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.
- 72 (1) Amend section 16 (power to grant licences) as follows.
- (2) In subsection (4), for “section 14” substitute “ sections 14 and 14ZA ”.
- (3) In subsections (9)(a) and (c), (10)(b) and (11), for “Nature Conservancy Council” substitute “ conservation body ”.
- (4) In subsection (10)(a)—
- (a) for “Nature Conservancy Councils” substitute “ GB conservation bodies ”, and
- (b) for “Council” substitute “ body ”.
- (5) Sub-paragraph (2) extends to England and Wales (including their adjacent territorial waters) only.
- 73 (1) In section 21 (penalties, forfeitures, etc.), in subsections (4) and (6)(b), after “section 14” insert “ or 14ZA ”.
- (2) This paragraph extends to England and Wales (including their adjacent territorial waters) only.
- 74 (1) Amend section 22 (power to vary Schedules) as follows.
- (2) In subsection (3)—
- (a) for “jointly to him by the Nature Conservancy Councils” substitute “ to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act ”; and
- (b) omit the words following paragraph (b).
- (3) After subsection (3) insert—
- “(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”

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- 75 (1) Amend section 24 (functions of Nature Conservancy Council) as follows.
- (2) In subsection (1)—
- (a) for “Nature Conservancy Councils, acting jointly,” substitute “ GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act ”, and
- (b) omit the words following paragraph (b).
- (3) After subsection (1) insert—
- “(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”
- (4) In subsection (4), for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.
- (5) For the heading substitute “ Functions of GB conservation bodies ”.
- 76 (1) Amend section 27 (interpretation of Part 1) as follows.
- (2) In subsection (1), in paragraph (c) of the definition of “authorised person”, for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.
- (3) In that subsection, after the definition of “poultry”, insert—
- ““premises” includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport;”.
- (4) For subsection (3A) substitute—
- “(3A) In this Part “the GB conservation bodies” means—
- (a) Natural England,
- (b) the Countryside Council for Wales, and
- (c) Scottish Natural Heritage,
- and references to a conservation body are to be read accordingly.”
- (5) Sub-paragraph (3) extends to England and Wales (including their adjacent territorial waters) only.
- 77 Omit section 27A (construction of references to Nature Conservancy Council) and the heading preceding it.
- 78 Before section 28 insert—
- “Sites of special scientific interest and limestone pavements*
- Application of sections 28 to 34 in Wales**
- 27AA In relation to land in Wales, sections 28 to 34 (which relate to sites of special scientific interest and limestone pavements) have effect as if references to Natural England were references to the Countryside Council for Wales.”
- 79 In sections 28 to 32 (which relate to sites of special scientific interest), for “the Nature Conservancy Council” and “the Council” (or “the Council’s”) substitute “ Natural England ” (or “ Natural England’s ”).

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

- 80 In section 28E (duties in relation to sites of special scientific interest), in subsection (3)(b), for “or section 15 of the 1968 Act” substitute “, section 15 of the 1968 Act or section 7 of the Natural Environment and Rural Communities Act 2006 ”.
- 81 (1) Amend section 28G (statutory undertakers, etc.: general duty) as follows.
- (2) In subsection (3)(e), omit “(meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990)”.
- (3) After subsection (3) insert—
- “(4) “Statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.”
- 82 In section 33 (ministerial guidance as respects areas of special scientific interest), in subsection (1), for “Nature Conservancy Councils” substitute “ Natural England ”.
- 83 (1) Amend section 34 (limestone pavement orders) as follows.
- (2) For subsection (1) substitute—
- “(1) Natural England must notify any local planning authority of any limestone pavement in that authority's area.”
- (3) In subsection (3), for “the Council and the Agency” substitute “ Natural England ”.
- (4) In subsection (5), omit from “or Part” to the end.
- (5) In subsection (6), omit—
- (a) the definition of “the Agency”, and
- (b) paragraph (b) of the definition of “the relevant authority”.
- 84 Before section 35 insert—
- “Nature reserves, marine nature reserves and Ramsar sites*
- Meaning of “appropriate conservation body”**
- 34A In the following provisions of this Part “the appropriate conservation body” means—
- (a) in relation to England, Natural England;
- (b) in relation to Wales, the Countryside Council for Wales;
- (c) in relation to Scotland, Scottish Natural Heritage.”
- 85 In sections 35 to 37, for “the Nature Conservancy Council” and “the Council” substitute “ the appropriate conservation body ”.
- 86 In section 37A (Ramsar sites—wetlands of international importance), in subsections (1)(a) and (3) for “English Nature” substitute “ Natural England ”.
- 87 In section 39 (management agreements with owners and occupiers of land), omit subsection (5)(d).
- 88 (1) Amend section 41 (duties of agriculture Ministers with respect to the countryside) as follows.

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- (2) In subsection (3), omit the words after paragraph (b).
- (3) In subsection (5), for the definitions of “management agreement” and “the relevant authority” substitute—
- “management agreement” means—
- (a) in relation to England, an agreement under section 39 or under section 7 of the Natural Environment and Rural Communities Act 2006, and
- (b) in relation to Wales, an agreement under section 39;
- “the relevant authority” has the same meaning as in section 39 except that in relation to England it also includes Natural England.”
- (4) Omit subsection (6).
- 89 Before section 42 insert—
- Application of sections 42 to 45 in Wales**
- “41A In relation to land in Wales, sections 42 to 45 (which relate to National Parks) have effect as if references to Natural England were references to the Countryside Council for Wales.”
- 90 (1) Amend section 43 (maps of National Parks showing certain areas of moor or heath) as follows.
- (2) In subsection (1B) —
- (a) for “The Countryside Agency and the Countryside Council for Wales shall each” substitute “ Natural England shall ”, and
- (b) for “the Agency and the Council may each” substitute “ Natural England may ”.
- (3) In subsection (1C), for “the Agency or, as the case may be, the Council” substitute “ Natural England ”.
- 91 (1) Amend section 45 (power to vary orders designating National Park) as follows.
- (2) In subsection (1)—
- (a) for “the Countryside Agency” (in both places) substitute “ Natural England ”, and
- (b) omit “in England”.
- (3) Omit subsection (2).
- 92 (1) Amend section 47 (provisions with respect to the Countryside Agency) as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), omit “to the Countryside Agency or”.
- (4) For the heading substitute “ Grants to the Countryside Council for Wales ”.
- 93 In section 49 (extension of power to appoint wardens)—
- (a) in subsection (1) for “the Countryside Agency”, and
- (b) in subsection (4) for “Countryside Agency” and “the Countryside Agency”,

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- substitute “ Natural England ”.
- 94 (1) Amend section 50 (payments under certain agreements offered by authorities) as follows.
- (2) In subsection (1), in paragraph (a), for “the Nature Conservancy Council offer to enter into an agreement under” substitute “ Natural England or the Countryside Council for Wales offer to enter into a nature reserve agreement or an SSSI agreement or an agreement under ”.
- (3) In subsection (3), omit “(or, in Scotland, an arbiter)” and “(or, in Scotland, the arbiter's)”.
- (4) In subsection (4), at the end insert—
- ““nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;
- “SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”
- 95 (1) Amend section 51 (powers of entry) as follows.
- (2) In subsection (1)—
- (a) in paragraph (c), after “enter into”, and
- (b) in paragraph (h), after “terms of” in the first place where it occurs, insert “ a nature reserve agreement or an SSSI agreement or ”.
- (3) In subsection (2)(a), for “the Nature Conservancy Council” substitute “ Natural England or the Countryside Council for Wales ”.
- (4) After subsection (2) insert—
- “(2A) In subsection (1)—
- “nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;
- “SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”
- 96 In section 52 (interpretation of Part 2), in subsection (1), omit the definition of “the Nature Conservancy Councils” and the words concerning the construction of references to “the Nature Conservancy Council”.
- 97 (1) Amend section 71 (general interpretation) as follows.
- (2) Re-number the existing provision subsection (1).
- (3) After that subsection insert—
- “(2) For the avoidance of doubt it is hereby declared that in this Act “plants” include fungi and algae.”
- (4) This paragraph extends only to England and Wales and to the territorial waters adjacent to England and Wales.
- 98 Omit Schedule 13 (provisions with respect to the Countryside Agency).

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VALID FROM 01/10/2006

Derelict Land Act 1982 (c. 42)

- 99 In section 1 (power of Secretary of State to give grants), after subsection (6) insert—
- “(6A) Before making any grant under this section where the land to which subsection (1) applies is in a National Park or an area of outstanding natural beauty, the Secretary of State must consult Natural England.”

VALID FROM 01/10/2006

Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))

- 100 Omit—
- (a) Article 21 (committee of investigation), and
 - (b) Article 22 (action following report by a committee of investigation).
- 101 (1) Amend Article 29 (restrictions on disclosing certain information obtained under Part 2) as follows.
- (2) In paragraph (2), for the words from “this Part” to the end of the paragraph substitute “this Part on any board”.
- (3) In paragraph (3), omit “or by the General Consumer Council (Northern Ireland) Order 1984”.

VALID FROM 01/10/2006

Miscellaneous Financial Provisions Act 1983 (c. 29)

- 102 Omit section 1 (functions of Countryside Agency in relation to economic and social development of rural areas in England).

VALID FROM 01/10/2006

National Heritage Act 1983 (c. 47)

- 103 In section 24 (general functions of the Board), omit subsections (7) and (8) (fixing of opening hours and fees subject to Treasury consent).

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

VALID FROM 01/10/2006

Road Traffic Regulation Act 1984 (c. 27)

- 104 (1) Amend section 22 (traffic regulation for special areas in the countryside) as follows.
- (2) In subsection (1)(a), for sub-paragraphs (iv) and (v) substitute—
- “(iv) an area in which Natural England is conducting an experimental scheme under section 8 of the Natural Environment and Rural Communities Act 2006 or the Countryside Council for Wales are conducting a scheme under section 4 of the 1968 Act,
- (v) a nature reserve or an area subject to an SSSI agreement or an agreement under section 15 of the 1968 Act.”.
- (3) In subsection (3), for “The Countryside Agency” substitute “ Natural England ”.
- (4) After subsection (4) insert—
- “(4A) In subsection (1)(a)(v) above, “SSSI agreement” has the same meaning as in section 15A of the Countryside Act 1968”.

Inheritance Tax Act 1984 (c. 51)

- 105 In Schedule 3 (gifts for national purposes, etc.), for “English Nature” substitute—
“ Commission for Rural Communities. Natural England. ”

Commencement Information

I32 Sch. 11 para. 105 in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

VALID FROM 01/10/2006

General Consumer Council (Northern Ireland) Order 1984 (S.I. 1984/1822 (N.I. 12))

- 106 Omit Article 7 (functions of the General Consumer Council in relation to agricultural marketing schemes).

VALID FROM 01/10/2006

Agriculture Act 1986 (c. 49)

- 107 In section 18 (designation and management of environmentally sensitive areas), in subsection (2)(a) for “the Countryside Agency and English Nature” substitute “ Natural England ”.

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

VALID FROM 01/10/2006

Channel Tunnel Act 1987 (c. 53)

- 108 In Schedule 2 (supplementary provisions as to the scheduled works and other authorised works), in paragraph 5(3), for “English Nature” substitute “ Natural England ”.
- 109 In Schedule 3 (planning permission), in paragraph 17(4), for paragraphs (a) and (b) substitute—
- “(a) where the authority consider that nature conservation or the conservation of the natural beauty and amenity of the countryside may be affected, Natural England;”.

VALID FROM 01/10/2006

Norfolk and Suffolk Broads Act 1988 (c. 4)

- 110 (1) Amend section 4 (conservation of areas of natural beauty) as follows.
- (2) In subsection (3)(a), for “English Nature” substitute “ Natural England ”.
- (3) In subsection (4), for “Countryside Commission” substitute “ Agency ”.
- (4) In subsection (5), for the words from “the Countryside Commission” to the end substitute “ the Agency must consult such bodies appearing to it to represent interests concerned as it considers appropriate. ”
- 111 In section 5 (notification of certain operations within the Broads), in subsection (4), for “, English Nature and the Countryside Commission” substitute “ and Natural England ”.
- 112 In—
- (a) section 6 (byelaws: general), in subsection (4),
- (b) section 15 (grants from Secretary of State), in subsection (2), and
- (c) Schedule 1 (the Broads Authority), in paragraph 6,
- for “the Countryside Commission” substitute “ Natural England ”.
- 113 In Schedule 2 (variation of area treated as the broads)—
- (a) in paragraph 3, for “the Countryside Commission”, and
- (b) in paragraphs 4, 5, 6, 7 and 10, for “the Commission” (in each place), substitute “ Natural England ”.
- 114 In Schedule 3 (functions of Authority), in paragraph 33(1), for paragraphs (b) and (c) substitute—
- “(b) Natural England;”.

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

VALID FROM 01/10/2006

Electricity Act 1989 (c. 29)

- 115 In Schedule 9 (preservation of amenity and fisheries), in paragraph 2(2)—
- (a) omit “with the Countryside Agency, and”, and
 - (b) for “English Nature” substitute “ Natural England ”.

VALID FROM 01/10/2006

Environmental Protection Act 1990 (c. 43)

- 116 In section 36 (grant of waste management licenses), in subsection (7), for “English Nature” substitute “ Natural England ”.

- 117 (1) For section 128 (creation and constitution of new Councils) substitute—

“128 Countryside Council for Wales

- (1) There shall be a council to be called the Countryside Council for Wales (in this Part referred to as “the Council”).
- (2) The Council shall have not less than 8 nor more than 12 members and those members shall be appointed by the National Assembly for Wales.
- (3) The National Assembly for Wales may by order made by statutory instrument amend subsection (2) above so as to substitute for the number for the time being specified as the maximum membership of the Council such other number as the Assembly thinks appropriate.
- (4) Schedule 6 has effect with respect to the constitution and proceedings of the Council.”

- 118 For section 129 (grants by Secretary of State to new Councils) substitute—

“129 Grants to the Council

- (1) The National Assembly for Wales may make to the Council grants of such amounts as the Assembly thinks fit.
- (2) A grant under this section may be made subject to such conditions (including in particular conditions as to the use of the money for the purposes of the Joint Nature Conservation Committee) as the Assembly may think fit.”

- 119 In section 130 (countryside functions of Welsh Council)—

- (a) in subsection (1), omit “, in place of the Commission established under section 1 of the National Parks and Access to the Countryside Act 1949 (so far as concerns Wales),”, and
- (b) in subsection (4), omit “and the Countryside Agency” and “respective”.

- 120 (1) Amend section 131 (nature conservation functions: preliminary) as follows.

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- (2) For subsection (1) substitute—
- “(1) For the purpose of nature conservation and fostering the understanding of nature conservation, the Council shall have the functions conferred on them by this Part and Part 2 of the Natural Environment and Rural Communities Act 2006.”
- (3) In subsections (2) and (3), for “the Councils” substitute “ the Council ”.
- (4) For subsection (4) substitute—
- “(4) The National Assembly for Wales may give the Council general or specific directions with regard to the discharge of any of their nature conservation functions under this Part.”
- (5) Omit subsection (5).
- 121 (1) Amend section 132 (general functions of the Councils) as follows.
- (2) In subsection (1)—
- (a) for “The Councils shall each” substitute “ The Council shall ”, and
- (b) omit the words from “and the Councils shall” to the end.
- (3) In subsection (2), for “The Councils shall each” substitute “ The Council shall ”.
- (4) Omit subsection (3).
- (5) In the heading, for “the Councils” substitute “ the Council ”.
- 122 Omit section 133 (special functions of the Councils).
- 123 (1) Amend section 134 (grants and loans by Councils) as follows.
- (2) In subsection (1)—
- (a) for “The Councils may each” substitute “ The Council may ”, and
- (b) for “the Secretary of State” substitute “ the National Assembly for Wales ”.
- (3) Omit subsection (2).
- (4) In subsection (3), for “a Council” substitute “ the Council ”.
- (5) In subsection (4), for “The Councils” substitute “ The Council ”
- (6) In the heading, for “the Councils” substitute “ the Council ”.
- 124 Omit sections 135 to 138 (dissolution of Nature Conservancy Council etc.).
- 125 In section 161 (regulations, orders and directions), in subsection (4)(b), after “under section” insert “ 128(3) ”.
- 126 (1) Amend Schedule 6 as follows.
- (2) Omit paragraphs 1 and 15(1).
- (3) For the heading, substitute “ The Countryside Council for Wales: Constitution. ”
- 127 Omit Schedules 7 (the Joint Nature Conservation Committee) and 10 (transfer schemes and staff of existing councils).

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VALID FROM 01/10/2006

Deer Act 1991 (c. 54)

- 128 (1) Amend section 8 (exceptions for persons licensed by the Nature Conservancy Council for England or the Countryside Council for Wales) as follows.
- (2) In subsections (1) and (4), for “English Nature” substitute “ Natural England ”.
- (3) In the heading, for “the Nature Conservancy Council for England” substitute “ Natural England ”.

VALID FROM 01/10/2006

Water Industry Act 1991 (c. 56)

- 129 (1) Amend section 4 (environmental duties with respect to sites of special interest) as follows.
- (2) In subsection (1)—
- (a) for “English Nature” substitute “ Natural England ”, and
- (b) for “that Council” substitute “ Natural England or (as the case may be) the Council ”.
- (3) In subsection (4), for “English Nature” substitute “ Natural England ”.
- 130 In section 5 (codes of practice with respect to environmental and recreational duties), in subsection (4)(b), for “the Countryside Agency, English Nature” substitute “ Natural England ”.
- 131 (1) Amend section 156 (restriction on disposals of land) as follows.
- (2) In subsection (4)(c), for sub-paragraphs (i) and (ii) substitute—
- “(i) consult with Natural England (as respects land in England) or the Countryside Council for Wales (as respects land in Wales); and
- (ii) enter into such management agreements or such covenants under subsection (6) below as the Secretary of State may determine;”.
- (3) In subsection (4)(d)—
- (a) for “the Countryside Agency” substitute “ Natural England ”, and
- (b) for “that Agency or Council” substitute “ Natural England or the Countryside Council for Wales ”.
- (4) In subsection (8), omit “and” preceding the definition of “the Broads” and after that definition insert—
- ““management agreement” means—
- (a) in relation to land in England, an agreement under section 39 of the Wildlife and Countryside Act 1981 or section 7 of the Natural Environment and Rural Communities Act 2006;

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	(b) in relation to land in Wales, an agreement under section 39 of the Wildlife and Countryside Act 1981.”
132	In Schedule 1A (the Water Services Regulation Authority), omit paragraph 11.

VALID FROM 01/10/2006

	<i>Water Resources Act 1991 (c. 57)</i>
133	In Schedule 6 (orders relating to abstraction of small quantities and compulsory registration of protected rights), in paragraph 1(4)(g), for “English Nature” substitute “ Natural England ”.

VALID FROM 01/10/2006

	<i>Land Drainage Act 1991 (c. 59)</i>
134	(1) Amend section 61C (duties with respect to sites of special scientific interest) as follows.
	(2) In subsection (1)—
	(a) for “English Nature” substitute “ Natural England ”, and
	(b) for “that Council” substitute “ Natural England or the Countryside Council for Wales ”.
	(3) In subsection (4), for “English Nature” substitute “ Natural England ”.
135	In section 61E (codes of practice), in subsection (4)(b), for “the Countryside Agency, English Nature” substitute “ Natural England ”.

VALID FROM 01/10/2006

	<i>Transport and Works Act 1992 (c. 42)</i>
136	In section 6 (applications for orders relating to railways, tramways, inland waterways etc.), in subsection (7)—
	(a) in paragraph (a), for “the Countryside Agency” substitute “ Natural England ”, and
	(b) omit paragraph (e) and “and” preceding it.

VALID FROM 01/10/2006

	<i>Protection of Badgers Act 1992 (c. 51)</i>
137	In section 10 (licences)—

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- (a) in subsections (1), (3), (4) and (6), for “the appropriate Conservancy Council” (in each place) substitute “ the appropriate conservation body ”,
- (b) in subsection (4)(a), for “English Nature” substitute “ Natural England ”, and
- (c) in subsection (6), for “Council's” substitute “ body's ”.

VALID FROM 01/10/2006

Agriculture Act 1993 (c. 37)

- 138 Omit section 20 (functions under section 19 of the Agricultural Marketing Act 1958).

VALID FROM 01/10/2006

Agriculture (Northern Ireland) Order 1993 (S.I. 1993/2665 (N.I. 10))

- 139 Omit Article 22 (functions of certain bodies in relation to agricultural marketing schemes).

VALID FROM 01/10/2006

Environment Act 1995 (c. 25)

- 140 In section 4 (principal aims and objectives of the Environment Agency), in subsection (5), for the words from “after consultation with the Agency and such other bodies or persons as” substitute “after consultation with—
- (a) the Agency,
 - (b) Natural England, and
 - (c) such other persons as”.
- 141 (1) Amend section 8 (environmental duties with respect to sites of special interest) as follows.
- (2) In subsection (1)—
- (a) for “English Nature” substitute “ Natural England ”, and
 - (b) for “that Council” substitute “ the Agency or (as the case may be) the Council ”.
- (3) In subsection (4), for “English Nature” substitute “ Natural England ”.
- 142 In section 9 (codes of practice with respect to environmental and recreational duties), in subsection (3)(b), for “the Countryside Agency, English Nature,” substitute “ Natural England ”.
- 143 In section 66 (National Park Management Plans), in subsection (7)(a), for “the Countryside Agency and English Nature” substitute “ Natural England ”.

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144	In section 72 (National Park grant), in subsection (2), for “the Countryside Agency” substitute “ Natural England ”.
145	In section 99 (consultation before making or modifying certain subordinate legislation for England), in subsection (2), for paragraphs (b) and (c) substitute— “(b) Natural England;”.
146	In Schedule 7 (National Park authorities), in paragraphs 4(1) and 14(3), for “the Countryside Agency” substitute “ Natural England ”.

VALID FROM 01/10/2006

Channel Tunnel Rail Link Act 1996 (c. 61)

147	In Schedule 6 (planning conditions), in the table in paragraph 27(4), for the entries relating to English Nature and the Countryside Agency substitute— <hr/> “Nature conservation or conservation of the natural beauty or amenity of the countryside Natural England.” <hr/>
148	In Schedule 14 (overhead lines: consent), in the table in paragraph 7(4), for the entries relating to English Nature and the Countryside Agency substitute— <hr/> “Nature conservation or conservation of the natural beauty or amenity of the countryside Natural England.” <hr/>

VALID FROM 01/10/2006

Government of Wales Act 1998 (c. 38)

149	In Schedule 4 (public bodies subject to reform by Assembly), omit paragraph 6.
150	In Schedule 5 (bodies and offices covered by section 74), omit paragraph 21.

VALID FROM 01/10/2006

Greater London Authority Act 1999 (c. 29)

151	In section 352 (the Mayor's biodiversity action plan), in subsection (3), for paragraphs (a) and (b) substitute— “(a) Natural England, and”.
152	In section 408 (transfer of property, rights or liabilities), in subsection (3), for paragraph (g) substitute— “(g) Natural England;”.

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Freedom of Information Act 2000 (c. 36)

- 153 (1) In Schedule 1 (public authorities), amend Part 6 as follows.
- (2) Insert at the appropriate places— “ Commission for Rural Communities. ”, and “ Natural England. ”
- (3) Omit the entries relating to—
- (a) the Committee of Investigation for Great Britain,
 - (b) the consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958,
 - (c) the Countryside Agency, and
 - (d) English Nature.

Commencement Information

I33 Sch. 11 para. 153(1)(2) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4

VALID FROM 01/10/2006

Countryside and Rights of Way Act 2000 (c. 37)

- 154 In section 1 (principal definitions for Part 1), in subsection (2), in paragraph (a) of the definition of “the appropriate countryside body”, for “the Countryside Agency” substitute “ Natural England ”.
- 155 In section 4 (duty to prepare maps), in subsection (1), for “the Countryside Agency” substitute “ Natural England ”.
- 156 (1) Amend section 20 (codes of conduct and other information) as follows.
- (2) In subsection (1), for “the Countryside Agency” substitute “ Natural England ”.
- (3) In subsection (3), for “the Countryside Agency” substitute “ Natural England ”.
- 157 In section 26 (nature conservation and heritage preservation), in subsection (6) (a)(i), for “, English Nature” substitute “ in respect of which Natural England is not the relevant authority, Natural England ”.
- 158 In section 33 (guidance by countryside bodies to National Park authorities)—
- (a) in subsections (1) and (3), for “The Countryside Agency”, and
 - (b) in subsection (4), for “the Countryside Agency”,
- substitute “ Natural England ”.
- 159 In section 58 (application for path creation order), for subsection (1) substitute—
- “(1) An application for the making of a public path creation order under section 26(2) of the 1980 Act may be made—
- (a) by Natural England to the Secretary of State, or
 - (b) for the purpose of enabling the public to obtain access to any access land (within the meaning of Part 1) or of facilitating such access, by the Countryside Council for Wales to the National Assembly for Wales.”

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- 160 In section 61 (rights of way improvement plans: supplemental), in subsection (1) (f), for “the Countryside Agency” substitute “ Natural England ”.
- 161 Omit section 73 (Nature Conservancy Council for England: change of name).
- 162 Omit section 74 (conservation of biological diversity).
- 163 In section 82 (designation of areas of outstanding natural beauty), in subsection (1)—
- (a) for “the Countryside Agency (in this Part referred to as “the Agency”)” substitute “ Natural England ”, and
 - (b) for “the Agency may” substitute “ Natural England may ”.
- 164 In each of the following provisions for “the Agency” substitute “ Natural England ”
- (a) section 83(1), (2), (3), (5), (8) and (9);
 - (b) section 84(1)(a) and (3);
 - (c) section 86(6)(a);
 - (d) section 90(1)(a)(i);
 - (e) section 91(2);
 - (f) in Schedule 13, paragraph 6(1).
- 165 In section 85 (general duty of public bodies etc.), in subsection (3), after the definition of “public office” insert—
- ““statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990”.
- 166 In section 87 (general purposes and powers), in subsection (2), omit “, but without incurring significant expenditure in doing so,”.
- 167 In section 90 (supplementary provisions relating to management plans for areas of outstanding natural beauty), in subsection (1)(a)(i), omit “and English Nature”.
- 168 In section 92 (interpretation of Part 4 etc.), in subsection (1), omit the definition of “the Agency”.
- 169 In section 101 (expenses), omit paragraph (a).
- 170 (1) In Schedule 11 (transitional provisions and savings relating to sites of special scientific interest), in paragraph 7, after sub-paragraph (2) insert—
- “(3) In relation to a site of special scientific interest which is the subject of a notification to which this paragraph applies—
- (a) section 28B (notification of additional land) shall have effect as if subsection (3) were omitted; and
 - (b) section 28C (enlargement of SSSI) shall have effect as if subsection (4) were omitted.”
- (2) In the heading to paragraph 7, for “section 28A” substitute “ sections 28A to 28C ”.

Status: Point in time view as at 30/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006. (See end of Document for details)

VALID FROM 01/10/2006

Scottish Public Services Ombudsman Act 2002 (asp 11)

171 In Schedule 2 (listed authorities), in Part 2, omit paragraphs 62 and 65.

VALID FROM 01/10/2006

Water Act 2003 (c. 37)

172 In Schedule 1 (the Water Services Regulation Authority), in the Schedule 1A to be inserted in the Water Industry Act 1991, omit paragraph 11.

VALID FROM 01/10/2006

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

173 In Schedule 2 (the specified authorities), omit the entry relating to the Hill Farming Advisory Committee for Scotland.

PROSPECTIVE

Civil Contingencies Act 2004 (c. 36)

174 [F1In Schedule 1 (Category 1 and 2 responders), after paragraph 11 insert—
“11A Natural England.”]

Textual Amendments

F1 Sch. 11 para. 174 repealed (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 8](#); S.I. 2009/3345, art. 2, Sch. para. 27(d)

VALID FROM 01/04/2007

PART 2

INLAND WATERWAYS

175 (1) In—
(a) the provisions listed in sub-paragraph (2), and
(b) subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)),

Status: Point in time view as at 30/05/2006.

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for “Inland Waterways Amenity Advisory Council” (in each place) substitute “Inland Waterways Advisory Council”.

(2) The provisions are—

- paragraph 2(2) of Schedule 13 to the Transport Act 1968 (c. 73);
- in the House of Commons Disqualification Act 1975 (c. 24), Part 3 of Schedule 1;
- in the Race Relations Act 1976 (c. 74), Part 2 of Schedule 1A;
- in the British Waterways Act 1983 (c. ii), paragraph 1(c) of Schedule 1;
- in the British Waterways Act 1995 (c. i), paragraphs 6(c), 7(1), 8, 9 and 12(a) of Schedule 2;
- in the Freedom of Information Act 2000 (c. 36), Part 6 of Schedule 1.

176 In Part 1 of Schedule 17 to the Transport Act 1968 (provisions extending to Northern Ireland), omit “and 110”.

SCHEDULE 12

Section 105(2)

REPEALS AND REVOCATIONS

Commencement Information

I34 Sch. 12 in force at 2.5.2006 for E. for specified purposes immediately after the coming into force of 2000 c. 37, ss. 47-50 by [S.I. 2006/1176](#), art. 6

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Hill Farming Act 1946 (c. 73)	Section 32.
National Parks and Access to the Countryside Act 1949 (c. 97)	In section 1(1), “There shall be a Countryside Agency which shall exercise functions in relation to England for the purposes specified in subsection (2) below; and” and “corresponding” (in both places). Section 1(2). In the heading to section 1, “Countryside Agency and the”. In section 6(1), “as soon as may be after the commencement of this Act, and thereafter”. Section 6(4)(a) and (c). Section 9(2). In section 11A(1), “, but without incurring significant expenditure in doing so,”. Section 64(5). In section 114(1), the definition of “the Agency”.
Agricultural Marketing Act 1958 (c. 47)	In section 19, subsections (1) to (5) and (9).

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	<p>In section 20, in subsection (3), the words from “, and if, within” to the end and subsections (4) and (7).</p> <p>In section 21, in subsection (1), paragraph (b) and “or” preceding it, “or, as the case may be, of the report or complaint” and “or direction”, in subsection (2), the proviso and subsection (3).</p> <p>In section 32, in subsection (1), “or committee” (in both places) and “or appointed”, in subsections (2) and (3), “or committee” (in each place) and subsection (4).</p> <p>In section 47, in subsection (2), “, consumers' committee, committee of investigation”.</p> <p>In section 53, in subsection (5), “consumers' committee and committees of investigation shall operate, and the” and the words from “, but when any such committee” to the end of the subsection.</p> <p>In Schedule 3, in Parts 2, 5 and 6, paragraphs 2 and 3.</p>
Public Records Act 1958 (c. 51)	<p>In Schedule 1, in Part 2 of the table at the end of paragraph 3, the entries relating to English Nature and the Countryside Agency.</p>
Cereals Marketing Act 1965 (c. 14)	<p>In section 6(2), “(subject to section 17(2) of this Act)”.</p> <p>In section 17, subsection (2) and, in subsection (3), paragraph (c) and “or” preceding it.</p>
Superannuation Act 1965 (c. 74)	<p>In section 39, in subsection (1), in paragraph 7, the entry relating to English Nature.</p>
Parliamentary Commissioner Act 1967 (c. 13)	<p>In Schedule 2, the entries relating to the Countryside Agency and English Nature.</p>
Agriculture Act 1967 (c. 22)	<p>Section 24.</p>
Countryside Act 1968 (c. 41)	<p>In section 2(9), “Agency and the” and “Agency or”.</p> <p>In section 12(1), in the first sentence, “, at the request of, and in accordance with terms laid down by, the Agency or, as the case may be, the Council,” and the second sentence.</p> <p>Section 15(6A).</p> <p>Section 15A(5).</p> <p>In section 23(5), “Countryside Agency and the” and “each”.</p> <p>In section 45(1), “the Agency,”.</p> <p>In section 46(4), “experimental projects or schemes,”.</p> <p>In section 49(2), the definition of “the Agency”.</p>

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Transport Act 1968 (c. 73)	In Schedule 17, in Part 1, “and 110”.
Superannuation Act 1972 (c. 11)	In Schedule 1, the entries relating the Countryside Agency and English Nature.
Nature Conservancy Council Act 1973 (c. 54)	In Schedule 1, paragraphs 1, 2(2) and 9.
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 3, the entries relating to the Countryside Agency and English Nature.
Race Relations Act 1976 (c. 74)	In Schedule 1A, in Part 2, the entries relating to English Nature, the Hill Farming Advisory Committee for Scotland and the Hill Farming Advisory Sub-Committee for Wales and, in Part 3, the entry relating to the Countryside Agency.
Highways Act 1980 (c. 66)	In section 119E(2), paragraph (c) and “and” preceding it.
Wildlife and Countryside Act 1981 (c. 69)	In section 19(3), “(with or without other persons)”. Sections 19ZA and 19ZB. Section 21(4A) and (4D). In section 22(3), the words following paragraph (b). In section 24(1), the words following paragraph (b). Section 27A and the heading preceding it. In section 28G(3)(e), “(meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990)”. In section 34, in subsection (5), from “or Part” to the end and in subsection (6) the definition of “the Agency” and paragraph (b) of the definition of “the relevant authority”. Section 39(5)(d). In section 41, in subsection (3), the words after paragraph (b) and subsection (6). In section 45, in subsection (1), “in England” and subsection (2). In section 47, subsection (1) and, in subsection (2), “to the Countryside Agency or”. In section 50(3), “(or, in Scotland, an arbiter)” and “(or, in Scotland, the arbiter's)”. In section 51(2)(c), “the Ministers or”. In section 52(1), the definition of “the Nature Conservancy Councils” and the words concerning the construction of references to “the Nature Conservancy Council”. Schedule 13.

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Miscellaneous Financial Provisions Act 1983 (c. 29)	Section 1.
National Heritage Act 1983 (c. 47)	Section 24(7) and (8).
Road Traffic Act 1988 (c. 52)	In section 34(2), “(subject to section 34A of this Act)”.
Electricity Act 1989 (c. 29)	In Schedule 9, in paragraph 2(2), “with the Countryside Agency, and”.
Local Government and Housing Act 1989 (c. 42)	In section 155(4), “or” preceding paragraph (h).
Environmental Protection Act 1990 (c. 43)	In section 130, in subsection (1) “, in place of the Commission established under section 1 of the National Parks and Access to the Countryside Act 1949 (so far as concerns Wales),” and, in subsection (4), “and the Countryside Agency” and “respective”. Section 131(5). In section 132, in subsection (1), the words from “and the Councils shall” to the end, and subsection (3). Section 133. Section 134(2). Sections 135 to 138. In Schedule 6, paragraphs 1 and 15(1). Schedule 7. In Schedule 8, paragraphs 2(2) to (4) and (6) (a), 6(3) and (4). In Schedule 9, paragraphs 4(2)(b), 10(3), 11(3), (5), (6)(a), (7)(b), (8), (12) and (13). Schedule 10.
Natural Heritage (Scotland) Act 1991 (c. 28)	In Schedule 2, paragraphs 7(3) and 8(5).
Water Industry Act 1991 (c. 56)	In section 156(8), “and” preceding the definition of “the Broads”. In Schedule 1A, paragraph 11.
Transport and Works Act 1992 (c. 42)	In section 6(7), paragraph (e) and “and” preceding it.
Agriculture Act 1993 (c. 37)	Section 20.
Government of Wales Act 1998 (c. 38)	In Schedule 4, paragraph 6. In Schedule 5, paragraph 21.
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entries relating to the Committee of Investigation for Great Britain, the consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958, the Countryside Agency and English Nature.
Countryside and Rights of Way Act 2000 (c. 37)	Sections 73 and 74. Section 80(4)(a).

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	<p>In section 87(2), “, but without incurring significant expenditure in doing so,”.</p> <p>In section 90(1)(a)(i), “and English Nature”.</p> <p>In section 92(1), the definition of “the Agency”.</p> <p>Section 101(a).</p> <p>In Schedule 4, paragraph 5.</p> <p>In Schedule 7, paragraphs 6 and 7.</p> <p>In Schedule 8, paragraphs 1 and 2.</p> <p>In Schedule 12, paragraph 8.</p> <p>In Schedule 15, paragraph 1.</p>
Scottish Public Services Ombudsman Act 2002 (asp 11)	In Schedule 2, in Part 2, paragraphs 62 and 65.
Water Act 2003 (c. 37)	In Schedule 1, in the Schedule 1A to be inserted in the Water Industry Act 1991, paragraph 11.
Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)	In Schedule 2, the entry relating to the Hill Farming Advisory Committee for Scotland.

REVOCATIONS

<i>Title and number</i>	<i>Extent of revocation</i>
Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))	Articles 21 and 22. In Article 29(3), “or by the General Consumer Council (Northern Ireland) Order 1984”.
General Consumer Council (Northern Ireland) Order 1984 (S.I. 1984/1822 (N.I. 12))	Article 7. In Schedule 2, Part 3.
Agriculture (Northern Ireland) Order 1993 (S.I. 1993/2665 (N.I. 10))	Article 22.
Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416)	In Schedule 1, paragraphs 1 to 13, 14(2) and (5) and 15 to 18.
National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)	In Schedule 1, in the entry relating to the Environmental Protection Act 1990, paragraph (d).

Status:

Point in time view as at 30/05/2006.

Changes to legislation:

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006.