



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 3

WILDLIFE ETC.

Biodiversity

40 Duty to conserve biodiversity

- (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- (2) In complying with subsection (1), a Minister of the Crown, government department or the National Assembly for Wales must in particular have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992.
- (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- (4) “Public authority” means any of the following—
 - (a) a Minister of the Crown;
 - (b) the National Assembly for Wales;
 - (c) a public body (including a government department, a local authority [^{F1}, a local planning authority and a strategic planning panel]);
 - (d) a person holding an office—
 - (i) under the Crown,
 - (ii) created or continued in existence by a public general Act, or
 - (iii) the remuneration in respect of which is paid out of money provided by Parliament;
 - (e) a statutory undertaker.

Status: Point in time view as at 06/09/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 40. (See end of Document for details)

(5) In this section—

“local authority” means—

- (a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council, a county borough council or a community council;

“local planning authority” has the same meaning as in the Town and Country Planning Act 1990 (c. 8);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“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.

[^{F2}“strategic planning panel” means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.]

Textual Amendments

- F1** Words in s. 40(4)(c) substituted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 28\(2\)](#)
 - F2** Words in s. 40(5) inserted (6.9.2015 for specified purposes) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 2 para. 28\(3\)](#)
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Commencement Information

- I1** S. 40 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

Status:

Point in time view as at 06/09/2015. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Section 40.