
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Natural Environment and Rural Communities Act 2006 (c. 16) (“the Act”) on 2nd May 2006.

Article 4, which extends to England and Wales, brings into force sections 1(1)–(3) and (5) and section 2 of the Act, which establish and set out the purpose of a new non-departmental public body, Natural England. It also brings into force other provisions in Part 1 of the Act which confer certain functions on Natural England. Following the commencement of these provisions, it is intended that Natural England will operate as a skeleton body before the majority of its functions are conferred on it at a later date. Natural England will, in due course, have conferred on it the majority of statutory functions currently carried out by English Nature, the Countryside Agency and the Department for Environment, Food and Rural Affairs' Rural Development Service. The remaining powers and duties in Chapter 1 of Part 1 of the Act will be conferred on it at the same time.

Article 4 also brings into force certain paragraphs in Schedule 11 to the Act, which add Natural England to the Schedules of various Acts of Parliament applying to public sector bodies.

Article 5 of the Order, which extends to England and Wales and to Northern Ireland, brings into force section 98 of the Act. Section 98 empowers the Secretary of State to give, or arrange for the giving of, financial assistance related to or connected with a Defra function (a function which falls to be performed by or through the Department for Environment, Food and Rural Affairs).

Article 6 of the Order, which applies to England only, brings into force sections 66–71 of the Act which change the law in relation to rights of way and mechanically propelled vehicles. Section 66 of the Act restricts the creation of rights of way for mechanically propelled vehicles. Section 67 ends certain existing but unrecorded public rights of way for mechanically propelled vehicles. Sections 68 relates to the presumed dedication of restricted byways and the use of pedal cycles, and section 69 concerns presumed dedication and applications under section 53 of the Wildlife and Countryside Act 1981 (c. 69). Section 70 makes supplementary provision, and section 71 is an interpretation provision. Article 6 also brings into effect relevant repeals in Schedule 12 to the Act.

More detailed explanation of the provisions can be found in the Explanatory Notes for the Act, which are available from The Stationery Office, PO Box 29, Norwich NR3 1GN (or online at www.opsi.gov.uk).