



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 1

#### NATURAL ENGLAND AND THE COMMISSION FOR RURAL COMMUNITIES

#### CHAPTER 1

#### NATURAL ENGLAND

#### *Constitution and general purpose*

#### **1 Constitution**

- (1) There is to be a body known as Natural England.
- (2) Natural England is to have the functions conferred on it by or under this Act or any other enactment.
- (3) Except where otherwise expressly provided, Natural England's functions are exercisable in relation to England<sup>[F1]</sup> (including, where the context requires, the territorial sea adjacent to England) ] only.

[F2(3A) An order or Order in Council made—

- (a) under section 158(3) of the Government of Wales Act 2006 for the purposes of determining which waters are treated as being adjacent to Wales, or
- (b) under section 126(2) of the Scotland Act 1998 for the purposes of determining which waters are treated as being adjacent to Scotland,

applies for the purposes of this section as it applies for the purposes of the Act under which it is made.]

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*Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Chapter 1. (See end of Document for details)*

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- (4) English Nature and the Countryside Agency are dissolved and their functions are (subject to the provisions of this Act) transferred to Natural England.
- (5) Schedule 1 contains provisions about the constitution of Natural England and related matters.

#### **Textual Amendments**

- F1** Words in s. 1(3) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 311(2)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 25
- F2** S. 1(3A) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 311(3)**, 324(3); S.I. 2009/3345, art. 2, Sch. para. 25

#### **Commencement Information**

- I1** S. 1(1)(2)(3)(5) in force at 2.5.2006 by [S.I. 2006/1176](#), **art. 4**
- I2** S. 1(4) in force at 1.10.2006 by [S.I. 2006/2541](#), **art. 2** (with Sch.)

## **2 General purpose**

- (1) Natural England's general purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- (2) Natural England's general purpose includes—
- (a) promoting nature conservation and protecting biodiversity,
  - (b) conserving and enhancing the landscape,
  - (c) securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment,
  - (d) promoting access to the countryside and open spaces and encouraging open-air recreation, and
  - (e) contributing in other ways to social and economic well-being through management of the natural environment.
- (3) The purpose in subsection (2)(e) may, in particular, be carried out by working with local communities.

#### **Commencement Information**

- I3** S. 2 in force at 2.5.2006 by [S.I. 2006/1176](#), **art. 4**

### *Advisory functions*

## **3 Review and research**

- (1) Natural England must keep under review all matters relating to its general purpose.
- (2) When reviewing any matter, Natural England must consult such bodies as appear to it to have an interest in the matter.
- (3) Natural England may—

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- (a) undertake research into any matter relating to its general purpose, or
  - (b) commission or support (by financial means or otherwise) research into any such matter.
- (4) In discharging its functions in monitoring nature conservation, carrying out research or analysing the resultant information, Natural England must have regard to common standards established under section 34(2)(c).

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**Commencement Information**

**I4** S. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### **4 Advice**

- (1) Natural England must, at the request of a public authority, give advice to that authority on any matter relating to Natural England's general purpose.
- (2) Subsection (3) applies if Natural England has reason to believe that advice given under subsection (1) has been rejected.
- (3) At the request of Natural England, the public authority must inform Natural England in writing whether the advice has been rejected and, if so, why.
- (4) Natural England may give advice to any person on any matter relating to its general purpose—
  - (a) at the request of that person, or
  - (b) if Natural England thinks it appropriate to do so, on its own initiative.
- (5) The advice that may be given under this section includes, in relation to any power to make byelaws, recommendations as to the matters in respect of which byelaws should be made.

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**Commencement Information**

**I5** S. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

#### *General implementation powers*

#### **5 Carrying out proposals etc.**

Natural England may—

- (a) carry out proposals which appear to it to further its general purpose, or
- (b) assist in, coordinate or promote the carrying out of such proposals by others.

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**Commencement Information**

**I6** S. 5 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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## 6 Financial and other assistance

- (1) Natural England may give financial assistance to any person, if doing so appears to it to further its general purpose.
- (2) Financial assistance under this section may be given in any form, and may in particular be given by way of a grant, a loan or a guarantee.
- (3) Financial assistance under this section may be given subject to conditions, including (in the case of a grant) conditions for repayment in specified circumstances.
- (4) Natural England may, if doing so appears to it to further its general purpose, provide assistance to any person by making available goods or equipment free of charge or at a reduced cost.

### Commencement Information

**I7** S. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

## 7 Management agreements

- (1) Natural England may make an agreement (a “management agreement”) with a person who has an interest in land about the management or use of the land, if doing so appears to it to further its general purpose.
- (2) A management agreement may, in particular—
  - (a) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (b) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
  - (c) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
  - (d) provide for any matter for which a management scheme relating to a site of special scientific interest provides (or could provide);
  - (e) provide for the making of payments by either party to the other party or to any other person;
  - (f) contain incidental and consequential provision.
- (3) A management agreement is, unless the agreement otherwise provides—
  - (a) binding on persons deriving title under or from the person with whom Natural England makes the agreement, and
  - (b) enforceable by Natural England against those persons.
- (4) Schedule 2 to the Forestry Act 1967 (c. 10) (power for tenant for life and others to enter into forestry dedication covenants) applies to management agreements as it applies to forestry dedication covenants.
- (5) For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land at any time while it is the subject of a management agreement is to be disregarded.

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- (6) “Interest in land” has the same meaning as in the National Parks and Access to the Countryside Act 1949 (c. 97).
- (7) “Management scheme” and “site of special scientific interest” have the same meaning as in Part 2 of the Wildlife and Countryside Act 1981 (c. 69).

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**Commencement Information**

**I8** S. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

## **8 Experimental schemes**

- (1) Natural England may—
- (a) make and carry out experimental schemes designed to establish ways in which its general purpose might be furthered, or
  - (b) promote the making and carrying out of such schemes.
- (2) A scheme is experimental if it involves—
- (a) the development or application of new methods, concepts or techniques, or
  - (b) the testing or further development of existing methods, concepts or techniques.
- (3) Before making an experimental scheme, Natural England must consult such persons as appear to it to have an interest in the subject matter of the scheme.

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**Commencement Information**

**I9** S. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

### *Other functions*

## **9 Information services etc.**

- (1) Natural England may—
- (a) publish documents or provide information about any matter relating to its general purpose, or
  - (b) assist in the provision of such publications or information.
- (2) Nothing in any other enactment imposing a duty or conferring a power on Natural England—
- (a) to publish or assist in the publication of documents of a particular kind, or
  - (b) to provide or assist in the provision of information of a particular kind,
- is to be read as limiting the power conferred by subsection (1).

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**Commencement Information**

**I10** S. 9 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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## 10 Consultancy services and training

- (1) Natural England may, if the conditions in subsection (2) are met, place the services of its officers or employees, or of any consultants it has engaged, at the disposal of any person.
- (2) The conditions are that—
  - (a) the person has requested Natural England to act under subsection (1), and
  - (b) Natural England thinks that the request concerns a matter relating to its general purpose and presents special problems or requires special professional or technical skill.
- (3) Natural England may provide training in relation to any matters in respect of which it has functions.

### Commencement Information

**I11** S. 10 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

## 11 Power to charge for services and licences

- (1) Natural England may, with the consent of the Secretary of State, make such charges for its services as appear to it to be reasonable.
- (2) “Services” includes, in particular, anything done under—
  - (a) section 4(1) or (4)(a) (advice);
  - (b) section 9 (information services etc.);
  - (c) section 10 (consultancy services).
- (3) The Secretary of State may by order make provision requiring charges to be paid in respect of, and for the purpose of meeting the cost of, issuing licences to which this subsection applies.
- (4) Subsection (3) applies to licences issued by Natural England under or by virtue of any enactment, other than licences for which charges are payable apart from this section.
- (5) An order under subsection (3) may make provision as to—
  - (a) exemptions from or reductions in charges;
  - (b) remission of charges in whole or in part.
- (6) The power to make an order under subsection (3) is exercisable by statutory instrument.
- (7) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.

### Commencement Information

**I12** S. 11(1) in force at 2.5.2006 by [S.I. 2006/1176](#), [art. 4](#)

**I13** S. 11(2)(a)(c)(3)-(7) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

**I14** S. 11(2)(b) in force at 2.5.2006 by [S.I. 2006/1176](#), [art. 4](#)

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## 12 Power to bring criminal proceedings

- (1) Natural England may institute criminal proceedings.
- (2) A person who is authorised by Natural England to prosecute on its behalf in proceedings before a magistrates' court is entitled to prosecute in such proceedings<sup>F3</sup>  
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### Textual Amendments

**F3** Words in s. 12(2) repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), Sch. 21 para. 153, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)(i)(xii)

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### Commencement Information

**I15** S. 12 in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with Sch.)

## 13 Incidental powers

- (1) Natural England may do anything that appears to it to be conducive or incidental to the discharge of its functions.
- (2) In particular, Natural England may—
  - (a) enter into agreements;
  - (b) acquire or dispose of property;
  - (c) borrow money;
  - (d) subject to the approval of the Secretary of State, form bodies corporate or acquire or dispose of interests in bodies corporate;
  - (e) accept gifts;
  - (f) invest money.

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### Commencement Information

**I16** S. 13 in force at 2.5.2006 by [S.I. 2006/1176](#), [art. 4](#)

### *Powers of Secretary of State*

## 14 Grants

- (1) The Secretary of State may make grants to Natural England of such amounts as the Secretary of State thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State thinks fit.

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### Commencement Information

**I17** S. 14 in force at 2.5.2006 by [S.I. 2006/1176](#), [art. 4](#)

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## 15 Guidance

- (1) The Secretary of State must give Natural England guidance as to the exercise of any functions of Natural England that relate to or affect regional planning and associated matters.
- (2) The Secretary of State may give Natural England guidance as to the exercise of its other functions.
- (3) Before giving guidance under this section the Secretary of State must consult—
  - (a) Natural England,
  - (b) the Environment Agency, and
  - (c) such other persons as the Secretary of State thinks appropriate.
- (4) The Secretary of State must publish any guidance given under this section as soon as is reasonably practicable after giving the guidance.
- (5) The power to give guidance under this section includes power to vary or revoke it.
- (6) In discharging its functions, Natural England must have regard to guidance given under this section.

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### Commencement Information

- I18** S. 15(1) in force at 1.10.2006 by S.I. 2006/2541, [art. 2](#) (with [Sch.](#))  
**I19** S. 15(2)-(6) in force at 2.5.2006 by S.I. 2006/1176, [art. 4](#)

## 16 Directions

- (1) The Secretary of State may give Natural England general or specific directions as to the exercise of its functions.
- (2) Subsection (1) does not apply to functions of Natural England that are exercisable through the Joint Nature Conservation Committee.
- (3) The Secretary of State must publish any directions given under this section as soon as is reasonably practicable after giving the directions.
- (4) The power to give directions under this section includes power to vary or revoke the directions.
- (5) Natural England must comply with any directions given under this section.

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### Commencement Information

- I20** S. 16 in force at 2.5.2006 by S.I. 2006/1176, [art. 4](#)



**Changes to legislation:**

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