



# 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 only.
- (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.

## **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.

### *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—
  - (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).

## **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.

### *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.

## **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.

## **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.
- (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).

## **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.

### *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).

## **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.

## **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.

## **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 even though he is not a barrister or solicitor.

## **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.

### *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.

## **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.

## **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.

## CHAPTER 2

### COMMISSION FOR RURAL COMMUNITIES

#### *The Commission and its general purpose*

#### **17 Commission for Rural Communities**

- (1) There is to be a body known as the Commission for Rural Communities.
- (2) Schedule 2 contains provisions about the constitution of the Commission and related matters.

#### **18 Commission's general purpose**

- (1) The Commission's general purpose is to promote—
  - (a) awareness among relevant persons and the public of rural needs, and
  - (b) meeting rural needs in ways that contribute to sustainable development.
- (2) For the purposes of this Chapter “relevant person” means—
  - (a) a public authority, or
  - (b) a body which appears to the Commission to be concerned with any aspect of rural needs.<sup>7</sup>
- (3) For the purposes of this Chapter “rural needs” means the social and economic needs of persons in rural areas in England.
- (4) In determining the social and economic needs of persons in those areas, particular regard is to be had to the needs of—
  - (a) persons suffering from social disadvantage, and
  - (b) areas suffering from economic under-performance.

#### *Functions*

#### **19 Representation, advice and monitoring**

The Commission must take such steps as appear to it to be appropriate for—

- (a) representing rural needs to relevant persons,
- (b) providing relevant persons with information and advice about issues connected with rural needs or ways of meeting them, and
- (c) monitoring, and making reports about, the way in which relevant persons' policies are developed, adopted and implemented (by rural proofing or otherwise) and the extent to which those policies are meeting rural needs.

#### **20 Research**

The Commission may—

- (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.

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*Status: This is the original version (as it was originally enacted).*

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**21 Information services etc.**

The Commission 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.

**22 Power to charge for services**

- (1) The Commission 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 section 21.

**23 Incidental powers**

- (1) The Commission may do anything that appears to it to be conducive or incidental to the discharge of its functions.
- (2) In particular, the Commission may—
  - (a) enter into agreements;
  - (b) acquire or dispose of property;
  - (c) borrow money;
  - (d) accept gifts;
  - (e) invest money.

*Powers of Secretary of State*

**24 Grants**

- (1) The Secretary of State may make grants to the Commission 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.

**25 Directions**

- (1) The Secretary of State may give the Commission general or specific directions as to the exercise of its functions.
- (2) The Secretary of State must publish any directions given under this section as soon as is reasonably practicable after giving the directions.
- (3) The power to give directions under this section includes power to vary or revoke the directions.
- (4) The Commission must comply with any directions given under this section.



## CHAPTER 3

### SUPPLEMENTARY

#### *Transfer schemes etc.*

#### **26 Transfers on dissolution of English Nature and Countryside Agency**

- (1) The power conferred by subsection (2) is exercisable in connection with the dissolution of English Nature and the Countryside Agency.
- (2) The Secretary of State may make one or more schemes for the transfer of designated property, rights or liabilities of English Nature or the Countryside Agency to—
  - (a) Natural England,
  - (b) the Commission,
  - (c) a regional development agency, or
  - (d) a Minister of the Crown.
- (3) On the transfer date, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.
- (4) A regional development agency is an agency established under section 1 of the Regional Development Agencies Act 1998 (c. 45).

#### **27 Continuing powers to make transfer schemes**

- (1) The powers conferred by this section are exercisable in connection with the efficient management for public purposes of any property, rights or liabilities.
- (2) The Secretary of State may at any time make one or more schemes for the transfer of designated property, rights or liabilities of a Minister of the Crown to—
  - (a) Natural England,
  - (b) the Commission, or
  - (c) a person acting on behalf of Natural England and the Commission.
- (3) The Secretary of State may at any time make one or more schemes for the transfer of designated property, rights or liabilities of—
  - (a) Natural England, or
  - (b) the Commission,to a Minister of the Crown.
- (4) On the transfer date, the designated property, rights or liabilities are transferred and vest in accordance with the scheme.

#### **28 Transfer schemes: supplementary**

- (1) Schedule 3 contains further provisions relating to the making of schemes under sections 26 and 27.
- (2) In sections 26 and 27 and Schedule 3—

“designated” in relation to a scheme, means specified in or determined in accordance with the scheme;

“the transfer date” means a date specified by a scheme as the date on which the scheme is to have effect.

## 29 Interim arrangements

The Secretary of State may by written notice require English Nature or the Countryside Agency to provide staff, premises and other facilities on a temporary basis to—

- (a) Natural England, or
- (b) the Commission.

### *Interpretation*

## 30 Interpretation

(1) In this Part—

- “the Commission” means the Commission for Rural Communities;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
- “nature conservation” means the conservation of flora, fauna or geological or physiographical features;
- “research” includes inquiries and investigations.

(2) For the purposes of this Part, a public authority is any of the following—

- (a) a Minister of the Crown;
- (b) a public body (including a government department, a local authority and a local planning authority);
- (c) 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;
- (d) a statutory undertaker.

(3) In subsection (2)—

“local authority” means 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;

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

“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.