



# Natural Environment and Rural Communities Act 2006

## 2006 CHAPTER 16

### PART 10

#### FINAL PROVISIONS

#### 102 Crown land

- (1) The appropriate authority may enter into an agreement under section 7 as respects an interest in Crown land held by or on behalf of the Crown.
- (2) An agreement under section 7 as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (3) “Crown land” means land an interest in which—
  - (a) belongs to Her Majesty in right of the Crown,
  - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
  - (c) belongs to the Duchy of Cornwall, or
  - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (4) “The appropriate authority”, in relation to any land, means—
  - (a) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
  - (b) if the lands belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (c) if the land belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (d) if the land belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.

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*Status: Point in time view as at 01/10/2006.*

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- (5) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

### 103 Wales

In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the reference to the Wildlife and Countryside Act 1981 (c. 69) is to be read as a reference to the 1981 Act as amended by this Act.

### 104 Power to make further provision

- (1) The Secretary of State may by order make such supplementary, incidental, consequential, transitory, transitional or saving provision as the Secretary of State considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Act.<sup>45</sup>
- (2) An order under subsection (1) may—
- (a) amend or repeal any enactment contained in an Act passed on or before the last day of the Session in which this Act is passed;
  - (b) amend or revoke any subordinate legislation made before the passing of this Act.
- (3) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).
- (4) The power to make an order under subsection (1) is exercisable by statutory instrument.
- (5) An order under subsection (1) which contains any provision (whether alone or with other provisions) made by virtue of subsection (2)(a) may not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (6) A statutory instrument containing any other order under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

### 105 Minor and consequential amendments etc.

- (1) Schedule 11 contains minor and consequential amendments.
- (2) Schedule 12 contains repeals and revocations.

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#### Commencement Information

- I1** S. 105(1) in force at 2.5.2006 for specified purposes for E.W. by S.I. 2006/1176, art. 4
- I2** S. 105(1) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)
- I3** S. 105(2) in force at 2.5.2006 for E. immediately after the coming into force of 2000 c. 37, ss. 47-50 by S.I. 2006/1176, art. 6
- I4** S. 105(2) in force at 1.10.2006 in so far as not already in force by S.I. 2006/2541, art. 2 (with Sch.)

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## **106 Financial provisions**

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown in consequence of this Act, and
- (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

## **107 Commencement**

- (1) Part 1 (Natural England and the Commission for Rural Communities) comes into force in accordance with provision made by order by the Secretary of State.
- (2) Part 2 (nature conservation in the UK) comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Agriculture and Rural Development in Northern Ireland.
- (3) In Parts 3 to 5 (wildlife etc., SSSIs, National Parks and the Broads)—
  - (a) section 59 comes into force at the end of the period of two months beginning with the day on which this Act is passed, and
  - (b) the other provisions come into force in accordance with provision made by order by the Secretary of State.
- (4) Part 6 (rights of way) comes into force in accordance with provision made by order by—
  - (a) the Secretary of State (in relation to England), or
  - (b) the National Assembly for Wales (in relation to Wales).
- (5) Part 7 (inland waterways) comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers.
- (6) In Part 8 (flexible administrative arrangements)—
  - (a) Chapter 1 comes into force in accordance with provision made by order by the Secretary of State,
  - (b) Chapter 2 comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Agriculture and Rural Development in Northern Ireland, and
  - (c) Chapter 3 comes into force in accordance with provision made by order by the Secretary of State.
- (7) In Part 9 (miscellaneous)—
  - (a) section 99 (natural beauty in the countryside) comes into force at the end of the period of two months beginning with the day on which this Act is passed, and
  - (b) section 101 (abolition of certain agricultural etc. committees) comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Agriculture and Rural Development in Northern Ireland.
- (8) In this Part—
  - (a) section 105 and Schedules 11 and 12, except so far as relating to an Act of the Scottish Parliament or a provision which extends to Northern Ireland only, comes into force in accordance with provision made by order by the Secretary of State,

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- (b) section 105 and Schedules 11 and 12, so far as relating to an Act of the Scottish Parliament, comes into force in accordance with provision made by order by the Secretary of State after consulting the Scottish Ministers, and
  - (c) section 105 and Schedules 11 and 12, so far as relating to a provision which extends to Northern Ireland only, comes into force in accordance with provision made by order by the Secretary of State, after consulting the Department of Agriculture and Rural Development and the Department of the Environment in Northern Ireland.
- (9) The power to make an order under this section is exercisable by statutory instrument.
- (10) An order under this section may make different provision for different purposes or different areas.
- (11) An order under this section may make such transitional, transitory or saving provision as the person making the order considers expedient.

## **108 Extent**

- (1) Except as provided by this section, this Act extends to England and Wales only.
- (2) Part 2 (nature conservation in the UK) extends also to Scotland and Northern Ireland.
- (3) In Part 3—
  - (a) amendments affecting any provisions of the Wildlife and Countryside Act 1981 (c. 69) that extend to the territorial waters adjacent to England and Wales extend also to those waters, and
  - (b) paragraphs 1, 2, 5 and 6 of Schedule 6 (wildlife offences: time limits for proceedings), and section 53 so far as necessary, extend to any place to which the enactments amended by Schedule 6 extend.
- (4) Part 7 (inland waterways) extends also to Scotland.
- (5) In Part 8 (flexible administrative arrangements)—
  - (a) Chapter 2 (powers to reform agricultural etc. bodies) extends also to Scotland and Northern Ireland, and
  - (b) Chapter 3 (financial assistance) extends also to Northern Ireland.
- (6) In Part 9 (miscellaneous), section 101 (abolition of certain agricultural etc. committees) extends also to Scotland and Northern Ireland.
- (7) In this Part—
  - (a) sections 105, 107 and 109 and this section extend also to Scotland and Northern Ireland so far as necessary, and
  - (b) the amendments, repeals and revocations in Schedules 11 and 12 have the same extent as the provisions to which they relate (except where otherwise provided).

## **109 Short title**

This Act may be cited as the Natural Environment and Rural Communities Act 2006.

**Status:**

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**Changes to legislation:**

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