



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 2

NATURE CONSERVATION IN THE UK

Joint Nature Conservation Committee etc.

31 Joint Nature Conservation Committee

The Joint Nature Conservation Committee—

- (a) is to continue in existence, but
- (b) is to be re-constituted in accordance with Schedule 4.

32 UK conservation bodies

(1) In this Part “the UK conservation bodies” means—

- (a) for England, Natural England;
- (b) for Wales, the Countryside Council for Wales;
- (c) for Scotland, Scottish Natural Heritage;
- (d) for Northern Ireland, the Council for Nature Conservation and the Countryside.

(2) In this Part “the GB conservation bodies” means the bodies mentioned in subsection (1)(a) to (c).

33 Purpose of functions under this Part

(1) The UK conservation bodies and the joint committee have the functions conferred on them by this Part for the purposes of—

- (a) nature conservation, and

- (b) fostering the understanding of nature conservation.
- (2) Each of them must, in discharging their functions under this Part, have regard to—
 - (a) actual or possible ecological changes, and
 - (b) the desirability of contributing to sustainable development.

Coordinated functions

34 Functions of national or international significance

- (1) The UK conservation bodies have the functions described in subsection (2), but those functions may be discharged only through the joint committee.
- (2) The functions are—
 - (a) providing advice to the appropriate authorities on the development and implementation of policies for or affecting any nature conservation matter which—
 - (i) arises throughout the United Kingdom and raises issues common to England, Wales, Scotland and Northern Ireland,
 - (ii) arises in one or more (but not all) of those places and affects the interests of the United Kingdom as a whole, or
 - (iii) arises outside the United Kingdom;
 - (b) providing advice to any persons and disseminating knowledge about any matter falling within paragraph (a)(i), (ii) or (iii);
 - (c) establishing common standards throughout the United Kingdom for the monitoring of nature conservation and for research into nature conservation and the analysis of the resulting information;
 - (d) commissioning or supporting (whether by financial means or otherwise) research which the joint committee thinks is relevant to any matter mentioned in paragraphs (a) to (c).
- (3) “The appropriate authorities” means—
 - (a) the Secretary of State (or any other Minister of the Crown),
 - (b) the National Assembly for Wales,
 - (c) the Scottish Ministers, and
 - (d) the relevant Northern Ireland department.

35 Advice from joint committee to UK conservation body

- (1) The joint committee may give advice or information to any of the UK conservation bodies on any matter which—
 - (a) is connected with the functions of that UK conservation body, and
 - (b) in the opinion of the joint committee—
 - (i) arises throughout the United Kingdom and raises issues common to England, Wales, Scotland and Northern Ireland,
 - (ii) arises in one or more (but not all) of those places and affects the interests of the United Kingdom as a whole, or
 - (iii) arises outside the United Kingdom.

- (2) In discharging their functions relating to nature conservation, the UK conservation bodies must have regard to any advice given to them under subsection (1).

36 GB functions with respect to wildlife

- (1) The GB conservation bodies have the functions described in subsection (2), but those functions may be discharged only through the joint committee.
- (2) The functions are—
- (a) those under sections 22(3) and 24(1) of the 1981 Act (listing of protected animals and plants);
 - (b) commissioning or supporting (whether by financial means or otherwise) research which the joint committee thinks is relevant to those functions.
- (3) “The 1981 Act” means the Wildlife and Countryside Act 1981 (c. 69).

37 UK conservation bodies: incidental powers for UK purposes, etc.

- (1) Each of the UK conservation bodies may do anything that appears to it to be conducive or incidental to its functions under this Part.
- (2) In particular each of them may for the purposes of its functions under this Part—
- (a) acquire or dispose of property;
 - (b) accept gifts;
 - (c) undertake research directly related to those functions if it appears appropriate to do so.
- (3) Nothing in any of the enactments concerning the functions of the UK conservation bodies prevents any of them—
- (a) if requested to do so by any of the others, from giving advice or information to the other, or
 - (b) from giving advice or information to the joint committee.
- (4) “Enactment” includes an Act of the Scottish Parliament and Northern Ireland legislation.

Directions

38 Directions

- (1) The Secretary of State may give the joint committee general or specific directions as to the discharge of any function under section 34 or 35 (but not as to the discharge of a function under section 36).
- (2) Before giving any directions under this section, the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.
- (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) The joint committee must comply with any directions given under this section.

Interpretation

39 Interpretation

In this Part—

“the joint committee” means the Joint Nature Conservation Committee;

“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;

“the relevant Northern Ireland department” means the Department of the Environment in Northern Ireland;

“research” includes inquiries and investigations.