



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 3

WILDLIFE ETC.

Biodiversity

40 Duty to conserve biodiversity

- (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- (2) In complying with subsection (1), a Minister of the Crown, government department or the National Assembly for Wales must in particular have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992.
- (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- (4) “Public authority” means any of the following—
 - (a) a Minister of the Crown;
 - (b) the National Assembly for Wales;
 - (c) a public body (including a government department, a local authority and a local planning authority);
 - (d) 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;
 - (e) a statutory undertaker.

(5) In this section—

“local authority” means—

- (a) in relation to England, 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;
- (b) in relation to Wales, a county council, a county borough council or a community council;

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

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“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.

41 Biodiversity lists and action (England)

- (1) The Secretary of State must, as respects England, publish a list of the living organisms and types of habitat which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity.
- (2) Before publishing any list the Secretary of State must consult Natural England as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 40(1) and (2), the Secretary of State must—
 - (a) take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section, or
 - (b) promote the taking by others of such steps.
- (4) The Secretary of State must, in consultation with Natural England—
 - (a) keep under review any list published under this section,
 - (b) make such revisions of any such list as appear to the Secretary of State appropriate, and
 - (c) publish any list so revised as soon as is reasonably practicable after revising it.

42 Biodiversity lists and action (Wales)

- (1) The National Assembly for Wales must, as respects Wales, publish a list of the living organisms and types of habitat which in the Assembly’s opinion are of principal importance for the purpose of conserving biodiversity.
- (2) Before publishing any list the Assembly must consult the Countryside Council for Wales as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 40(1) and (2), the Assembly must—
 - (a) take such steps as appear to the Assembly to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section, or
 - (b) promote the taking by others of such steps.
- (4) The Assembly must, in consultation with the Countryside Council for Wales—

- (a) keep under review any list published under this section,
- (b) make such revisions of any such list as appear to the Assembly appropriate,
and
- (c) publish any list so revised as soon as is reasonably practicable after revising it.