

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

## SCHEDULES

### SCHEDULE 1

Section 1

#### NATURAL ENGLAND

##### *Status*

- 1 Natural England is to be a body corporate.

##### **Commencement Information**

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

- 2 Subject to paragraph 22 (nature reserves), Natural England is not to be regarded—
- (a) as a servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown,
- and Natural England's property is not to be regarded as property of, or held on behalf of, the Crown.

##### **Commencement Information**

**I2** [Sch. 1 para. 2](#) in force at 2.5.2006 by [S.I. 2006/1176](#), [art. 4](#)

##### *Membership*

- 3 (1) Natural England is to consist of—
- (a) a chairman appointed by the Secretary of State, and
  - (b) not less than 8 nor more than 15 other members appointed by the Secretary of State.
- (2) The Secretary of State must consult the chairman before appointing the other members.
- (3) In appointing a person to be a member, the Secretary of State must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, some matter relevant to the exercise of Natural England's functions.
- (4) The Secretary of State may by order amend sub-paragraph (1)(b) so as to substitute a different number for a number specified there.
- (5) The power to make an order under sub-paragraph (4) is exercisable by statutory instrument.
- (6) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Commencement Information

**I3** Sch. 1 para. 3 in force at 2.5.2006 by S.I. 2006/1176, art. 4

4 The Secretary of State may appoint one of the members to be deputy chairman.

#### Commencement Information

**I4** Sch. 1 para. 4 in force at 2.5.2006 by S.I. 2006/1176, art. 4

#### *Term of office*

5 Subject to paragraphs 6 to 8, a member holds and vacates office in accordance with the terms of his appointment.

#### Commencement Information

**I5** Sch. 1 para. 5 in force at 2.5.2006 by S.I. 2006/1176, art. 4

6 A member may resign by giving written notice to the Secretary of State.

#### Commencement Information

**I6** Sch. 1 para. 6 in force at 2.5.2006 by S.I. 2006/1176, art. 4

7 The Secretary of State may remove a member who—

- (a) has been absent from meetings of Natural England for a period longer than 6 months without the permission of Natural England,
- (b) has become bankrupt<sup>F1</sup> or has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986)] or has made an arrangement with his creditors or has had his estate sequestrated in Scotland, or
- (c) in the opinion of the Secretary of State is otherwise unable or unfit to carry out his duties.

#### Textual Amendments

**F1** Words in Sch. 1 para. 7(b) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, Sch. 2 para. 56(2) (with art. 5)

#### Commencement Information

**I7** Sch. 1 para. 7 in force at 2.5.2006 by S.I. 2006/1176, art. 4

8 A person ceases to be chairman or deputy chairman if he—

- (a) resigns that office by giving written notice to the Secretary of State, or
- (b) ceases to be a member.

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**Commencement Information**

**I8** Sch. 1 para. 8 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 9 A person who—
- (a) ceases to be a member, or
  - (b) ceases to be chairman or deputy chairman,
- is eligible for reappointment to that office.

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Remuneration and pensions etc.*

- 10 Natural England may pay to the members such remuneration and allowances as the Secretary of State may determine.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 11 If required to do so by the Secretary of State, Natural England must—
- (a) pay such pensions, gratuities or allowances to or in respect of any member as the Secretary of State may determine;
  - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any member.

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 12 (1) This paragraph applies if—
- (a) a person ceases to be a member, and
  - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.
- (2) The Secretary of State may require Natural England to pay the person such amount as the Secretary of State may determine.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Staff*

- 13 (1) Natural England must appoint a person to be chief executive, but may only appoint a person who has been approved by the Secretary of State.

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- (2) The chief executive is an employee of Natural England.
- (3) The Secretary of State may appoint the first chief executive.

**Commencement Information**

**I13** Sch. 1 para. 13 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 14 Natural England may appoint other employees.

**Commencement Information**

**I14** Sch. 1 para. 14 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 15 If required to do so by the Secretary of State, Natural England must—
- (a) pay such pensions, gratuities or allowances to or in respect of any employee as the Secretary of State may determine;
  - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions, gratuities or allowances to or in respect of any employee.

**Commencement Information**

**I15** Sch. 1 para. 15 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 16 (1) Employment with Natural England is to be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.
- (2) Natural England must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.

**Commencement Information**

**I16** Sch. 1 para. 16 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Procedure*

- 17 Natural England may determine its own procedure (including quorum).

**Commencement Information**

**I17** Sch. 1 para. 17 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 18 No proceeding is invalidated by—
- (a) a vacancy in the office of chairman, or
  - (b) any defect in the appointment of any member.

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**Commencement Information**

**I18** Sch. 1 para. 18 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Discharge of functions*

- 19 (1) Natural England may authorise a committee, sub-committee, member or employee of Natural England to exercise any of Natural England's functions.
- (2) Sub-paragraph (1) does not prevent Natural England from exercising the function itself or affect the power of Natural England to authorise an employee to carry out functions of Natural England.

**Commencement Information**

**I19** Sch. 1 para. 19 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Membership of committees and sub-committees*

- 20 (1) A committee or sub-committee may include persons who are not members of Natural England.
- (2) Natural England may pay such remuneration and allowances as the Secretary of State may determine to any person who—
- (a) is a member of a committee or sub-committee, but
  - (b) is not a member or employee of Natural England.

**Commencement Information**

**I20** Sch. 1 para. 20 in force at 2.5.2006 by S.I. 2006/1176, art. 4

*Application of seal and proof of documents*

- 21 (1) The application of Natural England's seal must be authenticated by the signature of—
- (a) a member of Natural England who is authorised (generally or specially) for that purpose, or
  - (b) an employee who is so authorised.
- (2) A document purporting to be duly executed under the seal of Natural England—
- (a) is to be received in evidence, and
  - (b) is to be treated as so executed unless the contrary is shown.

**Commencement Information**

**I21** Sch. 1 para. 21 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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### *Nature reserves*

- 22 (1) This paragraph applies to land in which Natural England has an interest and which is managed as a nature reserve.
- (2) For the purposes of the application of any enactment or rule of law to the land Natural England is to be treated as a government department.
- (3) An interest in land includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement.

#### **Commencement Information**

**I22** Sch. 1 para. 22 in force at 2.5.2006 by S.I. 2006/1176, art. 4

### *Reports, accounts etc.*

- 23 (1) For each financial year, Natural England must—
- (a) prepare an annual report on how it has discharged its functions during the year, and
  - (b) send a copy of the report to the Secretary of State within such period as the Secretary of State directs.
- (2) In this paragraph and paragraph 24, “financial year” means—
- (a) the period beginning with the day on which Natural England is established and ending with the next 31st March, and
  - (b) each subsequent period of 12 months ending with 31st March.

#### **Commencement Information**

**I23** Sch. 1 para. 23 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 24 (1) Natural England must keep proper accounts and proper records in relation to the accounts.
- (2) For each financial year, Natural England must—
- (a) prepare a statement of accounts in respect of that financial year, and
  - (b) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period as the Secretary of State directs.
- (3) The statement must be in such form as the Secretary of State may direct.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on the statement, and
  - (b) send a copy of the certified statement and of his report to the Secretary of State as soon as possible.

#### **Commencement Information**

**I24** Sch. 1 para. 24 in force at 2.5.2006 by S.I. 2006/1176, art. 4

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- 25 The Secretary of State must lay before each House of Parliament a document consisting of—
- (a) a copy of the report sent under paragraph 23(1), and
  - (b) a copy of the statement and report sent under paragraph 24(4).

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**Commencement Information**

**I25** Sch. 1 para. 25 in force at 2.5.2006 by S.I. 2006/1176, art. 4

- 26 (1) Natural England must provide the Secretary of State with such information as he may require relating to Natural England's property or to the discharge or proposed discharge of its functions.
- (2) Natural England must also—
- (a) permit any person authorised by the Secretary of State to inspect and make copies of any accounts or other documents of Natural England, and
  - (b) provide such explanation of them as that person or the Secretary of State may require.

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**Commencement Information**

**I26** Sch. 1 para. 26 in force at 2.5.2006 by S.I. 2006/1176, art. 4

**Changes to legislation:**

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