

Changes to legislation: There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, Cross Heading: Wildlife and Countryside Act 1981 (c. 69). (See end of Document for details)

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

GENERAL

Wildlife and Countryside Act 1981 (c. 69)

- 70 In section 10 (exceptions to section 9), in subsection (5), for “Nature Conservancy Council” substitute “ conservation body ”.

Commencement Information

- 11** Sch. 11 para. 70 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 71 In section 15 (endangered species (import and export)), in subsection (2), for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.

Commencement Information

- 12** Sch. 11 para. 71 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 72 (1) Amend section 16 (power to grant licences) as follows.
- (2) In subsection (4), for “section 14” substitute “ sections 14 and 14ZA ”.
- (3) In subsections (9)(a) and (c), (10)(b) and (11), for “Nature Conservancy Council” substitute “ conservation body ”.
- (4) In subsection (10)(a)—
- (a) for “Nature Conservancy Councils” substitute “ GB conservation bodies ”,
and
- (b) for “Council” substitute “ body ”.
- (5) Sub-paragraph (2) extends to England and Wales (including their adjacent territorial waters) only.

Commencement Information

- 13** Sch. 11 para. 72 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 73 (1) In section 21 (penalties, forfeitures, etc.), in subsections (4) and (6)(b), after “section 14” insert “ or 14ZA ”.

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- (2) This paragraph extends to England and Wales (including their adjacent territorial waters) only.

Commencement Information

I4 Sch. 11 para. 73 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 74 (1) Amend section 22 (power to vary Schedules) as follows.
- (2) In subsection (3)—
- (a) for “jointly to him by the Nature Conservancy Councils” substitute “ to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act ”; and
- (b) omit the words following paragraph (b).
- (3) After subsection (3) insert—
- “(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”

Commencement Information

I5 Sch. 11 para. 74 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 75 (1) Amend section 24 (functions of Nature Conservancy Council) as follows.
- (2) In subsection (1)—
- (a) for “Nature Conservancy Councils, acting jointly,” substitute “ GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act ”, and
- (b) omit the words following paragraph (b).
- (3) After subsection (1) insert—
- “(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.”
- (4) In subsection (4), for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.
- (5) For the heading substitute “ Functions of GB conservation bodies ”.

Commencement Information

I6 Sch. 11 para. 75 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 76 (1) Amend section 27 (interpretation of Part 1) as follows.
- (2) In subsection (1), in paragraph (c) of the definition of “authorised person”, for “Nature Conservancy Councils” substitute “ GB conservation bodies ”.
- (3) In that subsection, after the definition of “poultry”, insert—

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““premises” includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport;”.

(4) For subsection (3A) substitute—

“(3A) In this Part “the GB conservation bodies” means—

- (a) Natural England,
- (b) the Countryside Council for Wales, and
- (c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly.”

(5) Sub-paragraph (3) extends to England and Wales (including their adjacent territorial waters) only.

Commencement Information

I7 Sch. 11 para. 76 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

77 Omit section 27A (construction of references to Nature Conservancy Council) and the heading preceding it.

Commencement Information

I8 Sch. 11 para. 77 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

78 Before section 28 insert—

“Sites of special scientific interest and limestone pavements

Application of sections 28 to 34 in Wales

27AA In relation to land in Wales, sections 28 to 34 (which relate to sites of special scientific interest and limestone pavements) have effect as if references to Natural England were references to the Countryside Council for Wales.”

Commencement Information

I9 Sch. 11 para. 78 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

79 In sections 28 to 32 (which relate to sites of special scientific interest), for “the Nature Conservancy Council” and “the Council” (or “the Council's”) substitute “Natural England” (or “Natural England's”).

Commencement Information

I10 Sch. 11 para. 79 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

F180

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Textual Amendments

F1 Sch. 11 para. 80 omitted (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 9\(4\)\(j\)](#)

- 81 (1) Amend section 28G (statutory undertakers, etc.: general duty) as follows.
- (2) In subsection (3)(e), omit “(meaning the persons referred to in section 262(1), (3) and (6) of the Town and Country Planning Act 1990)”.
- (3) After subsection (3) insert—
- “(4) “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.”

Commencement Information

I11 [Sch. 11 para. 81](#) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

- 82 In section 33 (ministerial guidance as respects areas of special scientific interest), in subsection (1), for “Nature Conservancy Councils” substitute “ Natural England ”.

Commencement Information

I12 [Sch. 11 para. 82](#) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

- 83 (1) Amend section 34 (limestone pavement orders) as follows.
- (2) For subsection (1) substitute—
- “(1) Natural England must notify any local planning authority of any limestone pavement in that authority's area.”
- (3) In subsection (3), for “the Council and the Agency” substitute “ Natural England ”.
- (4) In subsection (5), omit from “or Part” to the end.
- (5) In subsection (6), omit—
- (a) the definition of “the Agency”, and
 - (b) paragraph (b) of the definition of “the relevant authority”.

Commencement Information

I13 [Sch. 11 para. 83](#) in force at 1.10.2006 by [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

- 84 Before section 35 insert—

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“Nature reserves, marine nature reserves and Ramsar sites

Meaning of “appropriate conservation body”

34A In the following provisions of this Part “the appropriate conservation body” means—

- (a) in relation to England, Natural England;
- (b) in relation to Wales, the Countryside Council for Wales;
- (c) in relation to Scotland, Scottish Natural Heritage.”

Commencement Information

I14 Sch. 11 para. 84 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

85 In sections 35 to 37, for “the Nature Conservancy Council” and “the Council” substitute “ the appropriate conservation body ”.

Commencement Information

I15 Sch. 11 para. 85 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

86 In section 37A (Ramsar sites—wetlands of international importance), in subsections (1)(a) and (3) for “English Nature” substitute “ Natural England ”.

Commencement Information

I16 Sch. 11 para. 86 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

87 In section 39 (management agreements with owners and occupiers of land), omit subsection (5)(d).

Commencement Information

I17 Sch. 11 para. 87 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

88 (1) Amend section 41 (duties of agriculture Ministers with respect to the countryside) as follows.

(2) In subsection (3), omit the words after paragraph (b).

(3) In subsection (5), for the definitions of “management agreement” and “the relevant authority” substitute—

““management agreement” means—

- (a) in relation to England, an agreement under section 39 or under section 7 of the Natural Environment and Rural Communities Act 2006, and
- (b) in relation to Wales, an agreement under section 39;

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“the relevant authority” has the same meaning as in section 39 except that in relation to England it also includes Natural England.”

(4) Omit subsection (6).

Commencement Information

I18 Sch. 11 para. 88 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

89 Before section 42 insert—

Application of sections 42 to 45 in Wales

“41A In relation to land in Wales, sections 42 to 45 (which relate to National Parks) have effect as if references to Natural England were references to the Countryside Council for Wales.”

Commencement Information

I19 Sch. 11 para. 89 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

90 (1) Amend section 43 (maps of National Parks showing certain areas of moor or heath) as follows.

(2) In subsection (1B) —

- (a) for “The Countryside Agency and the Countryside Council for Wales shall each” substitute “ Natural England shall ”, and
- (b) for “the Agency and the Council may each” substitute “ Natural England may ”.

(3) In subsection (1C), for “the Agency or, as the case may be, the Council” substitute “ Natural England ”.

Commencement Information

I20 Sch. 11 para. 90 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

91 (1) Amend section 45 (power to vary orders designating National Park) as follows.

(2) In subsection (1)—

- (a) for “the Countryside Agency” (in both places) substitute “ Natural England ”, and
- (b) omit “in England”.

(3) Omit subsection (2).

Commencement Information

I21 Sch. 11 para. 91 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

92 (1) Amend section 47 (provisions with respect to the Countryside Agency) as follows.

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- (2) Omit subsection (1).
- (3) In subsection (2), omit “to the Countryside Agency or”.
- (4) For the heading substitute “ Grants to the Countryside Council for Wales ”.

Commencement Information

I22 Sch. 11 para. 92 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 93 In section 49 (extension of power to appoint wardens)—
- (a) in subsection (1) for “the Countryside Agency”, and
 - (b) in subsection (4) for “Countryside Agency” and “the Countryside Agency”, substitute “ Natural England ”.

Commencement Information

I23 Sch. 11 para. 93 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 94 (1) Amend section 50 (payments under certain agreements offered by authorities) as follows.
- (2) In subsection (1), in paragraph (a), for “the Nature Conservancy Council offer to enter into an agreement under” substitute “ Natural England or the Countryside Council for Wales offer to enter into a nature reserve agreement or an SSSI agreement or an agreement under ”.
 - (3) In subsection (3), omit “(or, in Scotland, an arbiter)” and “(or, in Scotland, the arbiter's)”.
 - (4) In subsection (4), at the end insert—

““nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;

“SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”

Commencement Information

I24 Sch. 11 para. 94 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 95 (1) Amend section 51 (powers of entry) as follows.
- (2) In subsection (1)—
 - (a) in paragraph (c), after “enter into”, and
 - (b) in paragraph (h), after “terms of” in the first place where it occurs, insert “ a nature reserve agreement or an SSSI agreement or ”.
 - (3) In subsection (2)(a), for “the Nature Conservancy Council” substitute “ Natural England or the Countryside Council for Wales ”.
 - (4) After subsection (2) insert—

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“(2A) In subsection (1)—

“nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;

“SSSI agreement” has the same meaning as in section 15A of the 1968 Act.”

Commencement Information

I25 Sch. 11 para. 95 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 96 In section 52 (interpretation of Part 2), in subsection (1), omit the definition of “the Nature Conservancy Councils” and the words concerning the construction of references to “the Nature Conservancy Council”.

Commencement Information

I26 Sch. 11 para. 96 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 97 (1) Amend section 71 (general interpretation) as follows.
- (2) Re-number the existing provision subsection (1).
- (3) After that subsection insert—
- “(2) For the avoidance of doubt it is hereby declared that in this Act “plants” include fungi and algae.”
- (4) This paragraph extends only to England and Wales and to the territorial waters adjacent to England and Wales.

Commencement Information

I27 Sch. 11 para. 97 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 98 Omit Schedule 13 (provisions with respect to the Countryside Agency).

Commencement Information

I28 Sch. 11 para. 98 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

Changes to legislation:

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