

**Changes to legislation:** There are currently no known outstanding effects for the Natural Environment and Rural Communities Act 2006, SCHEDULE 4. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4 **U.K.**

Section 31

#### JOINT NATURE CONSERVATION COMMITTEE

##### *Membership*

- 1 (1) The joint committee is to consist of 14 members—
- (a) a chairman appointed by the Secretary of State;
  - (b) 5 members appointed by the Secretary of State;
  - (c) the chairman or deputy chairman of each of the GB conservation bodies and one other member of each of those bodies appointed by the body in question;
  - (d) the chairman of the Council for Nature Conservation and the Countryside and one other member of the Council appointed by the relevant Northern Ireland department.
- (2) The joint committee may appoint a member to be deputy chairman.

##### **Commencement Information**

**I1** Sch. 4 para. 1 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 2 The members appointed by the Secretary of State must not be members of the UK conservation bodies.

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 3 (1) The members appointed by the Secretary of State must be persons appearing to the Secretary of State to have experience in or scientific knowledge of nature conservation.
- (2) Before appointing any members under paragraph 1(1), the Secretary of State must consult the National Assembly for Wales, the Scottish Ministers and the relevant Northern Ireland department.
- (3) Before appointing members under paragraph 1(1)(b), the Secretary of State must consult—
- (a) the chairman, and
  - (b) such persons having scientific knowledge of nature conservation as the Secretary of State thinks appropriate.

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**Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Term of office of members appointed by Secretary of State*

- 4 Subject to paragraphs 5 and 6, a member appointed by the Secretary of State holds and vacates office in accordance with the terms of his appointment.

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 5 A member appointed by the Secretary of State may resign by giving him written notice.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 6 The Secretary of State may remove a member appointed by him who—
- (a) has been absent from meetings of the joint committee for a period longer than 6 months without the permission of the joint committee,
  - (b) has become bankrupt<sup>F1</sup> or had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986) or 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. 4 para. 6(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(4) (with art. 5)

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Remuneration and allowances etc.*

- 7 The joint committee must pay to the members appointed by the Secretary of State such remuneration and allowances as the Secretary of State may determine.

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 8 If required to do so by the Secretary of State, the joint committee must—
- (a) pay such pensions, gratuities or allowances to or in respect of the chairman as the Secretary of State may determine, or

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- (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 the chairman.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 9 (1) This paragraph applies if—
- (a) a person ceases to be chairman, 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 the joint committee to pay the person such sum as the Secretary of State may determine.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Staff: general*

- 10 The joint committee may, with the approval of the Secretary of State, appoint employees.

**Commencement Information**

**I10** Sch. 4 para. 10 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 11 The joint committee must pay to its employees such remuneration and allowances as the joint committee may, with the approval of the Secretary of State, determine.

**Commencement Information**

**I11** Sch. 4 para. 11 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 12 The joint committee may—
- (a) pay such pensions, gratuities or allowances to or in respect of any employee or former employee,
  - (b) pay such sums towards provision for the payment of such pensions, allowances or gratuities, or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,
- as it may, with the approval of the Secretary of State, determine.

**Commencement Information**

**I12** Sch. 4 para. 12 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

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### *Formation of company*

- 13 (1) With the consent of the Secretary of State, and subject to any conditions he may impose, the joint committee may form a company limited by guarantee the main objects of which fall within sub-paragraph (2).
- (2) The objects are—
- (a) providing administrative and corporate support services to the joint committee, including the employment of staff, for the purposes of its functions,
  - (b) making charges and holding land or any interest in or right over land for those purposes, and
  - (c) doing such other things as are conducive or incidental to the discharge of those functions.
- (3) The constitution of any company formed under this paragraph must include provision to ensure that only members of the joint committee are members of the company.
- (4) The members of any company formed under this paragraph must ensure that no-one is appointed, or continues to serve, as a director of the company who is not a member of the joint committee, or an employee of the joint committee or of the company.
- (5) Sub-paragraphs (2) and (4) do not affect the power of the UK conservation bodies acting through the joint committee to undertake anything mentioned in sub-paragraph (2) by virtue of Part 2.
- (6) Where a company is formed under this paragraph the requirements as to the approval of the Secretary of State apply in respect of appointment, payment and pension matters for employees and former employees of the company as they do in respect of employees or former employees of the joint committee under paragraphs 10 to 12.

#### **Commencement Information**

**I13** Sch. 4 para. 13 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

### *Funding*

- 14 (1) The funding bodies must provide the joint committee with such financial resources as the appropriate authorities consider are needed for the proper discharge of the functions conferred by Part 2.
- (2) When determining what financial resources should be provided, the appropriate authorities must take into account—
- (a) any grant being made under paragraph 15, and
  - (b) the views of the joint committee and the funding bodies.
- (3) The contributions of each of the funding bodies are to be such as are agreed by the appropriate authorities, having taken into account the views of those bodies.
- (4) “The funding bodies” means—
- (a) the GB conservation bodies, and
  - (b) the relevant Northern Ireland department.

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**Commencement Information**

**I14** Sch. 4 para. 14 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

- 15 (1) The Secretary of State may make grants to the joint committee of such amounts as the Secretary of State thinks fit.
- (2) A grant under this section may be made subject to such conditions as the Secretary of State thinks fit.

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Procedure*

- 16 (1) The joint committee may determine its own procedure (including quorum).
- (2) No proceeding of the joint committee is invalidated by—
- (a) a vacancy among the members, or
  - (b) any defect in the appointment of any member.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Discharge of functions*

- 17 (1) The joint committee may authorise any of their functions to be exercised by—
- (a) any member of the joint committee,
  - (b) a company formed under paragraph 13,
  - (c) any of the UK conservation bodies, or
  - (d) any employee of the joint committee, of such a company, or of any of those bodies.
- (2) Sub-paragraph (1) does not prevent the joint committee from doing anything that another person has been authorised to do.

**Commencement Information**

**I17** Sch. 4 para. 17 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Annual reports*

- 18 (1) As soon as possible after the end of each financial year, the joint committee must—
- (a) prepare an annual report on how it has discharged their functions during the year, and
  - (b) send a copy of the report to the appropriate authorities and the UK conservation bodies.

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- (2) The Secretary of State must lay a copy of the report before each House of Parliament.
- (3) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.

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**Commencement Information**

**I18** Sch. 4 para. 18 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

*Interpretation*

- 19 (1) In this Schedule “the appropriate authorities” means—
- (a) the Secretary of State,
  - (b) the National Assembly for Wales,
  - (c) the Scottish Ministers, and
  - (d) the relevant Northern Ireland department.
- (2) In this Schedule “financial year” means the period of 12 months ending with 31st March.

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**Commencement Information**

**I19** Sch. 4 para. 19 in force at 1.10.2006 by S.I. 2006/2541, art. 2 (with Sch.)

**Changes to legislation:**

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