
STATUTORY INSTRUMENTS

2006 No. 1176 (C. 40)

**NATURAL ENVIRONMENT,
ENGLAND AND WALES
NATURAL ENVIRONMENT,
NORTHERN IRELAND
RIGHTS OF WAY, ENGLAND**

The Natural Environment and Rural Communities
Act 2006 (Commencement No.1) Order 2006

Made - - - - *18th April 2006*

The Secretary of State makes the following Order in exercise of the powers conferred by section 107 of the Natural Environment and Rural Communities Act 2006⁽¹⁾:

Citation, extent and interpretation

1. This Order may be cited as the Natural Environment and Rural Communities Act 2006 (Commencement No. 1) Order 2006.

2. In this Order—

- (a) article 4 extends to England and Wales;
- (b) article 5 extends to England and Wales and to Northern Ireland; and
- (c) article 6 applies to England only.

3. In this Order “the Act” means the Natural Environment and Rural Communities Act 2006.

Provisions coming into force on 2nd May 2006

4. The following provisions of the Act come into force on 2nd May 2006—
- section 1(1), (2), (3) and (5) and Schedule 1;
 - section 2;
 - section 5;

section 9;
section 11(1) and (2), but not paragraphs (a) and (c) of subsection (2);
section 13;
section 14;
section 15(2), (3), (4), (5) and (6);
section 16;
section 29;
section 105(1) and the following paragraphs of Schedule 11, but only so far as they insert the words “Natural England” in the relevant Schedules—
 paragraph 34(1) and (2);
 paragraph 39(1) and (2);
 paragraph 58(1) and (2);
 paragraph 60(1) and (2);
 paragraph 61(1) and (3);
 paragraph 105;
 paragraphs 153(1) and (2).

5. Section 98 of the Act comes into force on 2nd May 2006.

Provisions coming into force on 2nd May 2006 immediately after the coming into force of the sections 47–50 of the Countryside and Rights of Way Act 2000

6. The following provisions of the Act come into force on 2nd May 2006 immediately after the coming into force of sections 47–50 of the Countryside and Rights of Way Act 2000(2)—

section 66;
section 67;
section 68;
section 69;
section 70;
section 71;
section 105(2) and the following entries in Schedule 12—
 the entry relating to the Road Traffic Act 1988 (c. 52);
 in the entry relating to the Countryside and Rights of Way Act 2000 (c. 37), the repeal of paragraphs 6 and 7 of Schedule 7.

Jim Knight
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

Date 18th April 2006

(2) 2000 c. 37. Those sections are brought into force on 2nd May 2006 by the Countryside and Rights of Way Act 2000 (Commencement No. 11 and Savings) Order 2006.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Natural Environment and Rural Communities Act 2006 (c. 16) (“the Act”) on 2nd May 2006.

Article 4, which extends to England and Wales, brings into force sections 1(1)–(3) and (5) and section 2 of the Act, which establish and set out the purpose of a new non-departmental public body, Natural England. It also brings into force other provisions in Part 1 of the Act which confer certain functions on Natural England. Following the commencement of these provisions, it is intended that Natural England will operate as a skeleton body before the majority of its functions are conferred on it at a later date. Natural England will, in due course, have conferred on it the majority of statutory functions currently carried out by English Nature, the Countryside Agency and the Department for Environment, Food and Rural Affairs' Rural Development Service. The remaining powers and duties in Chapter 1 of Part 1 of the Act will be conferred on it at the same time.

Article 4 also brings into force certain paragraphs in Schedule 11 to the Act, which add Natural England to the Schedules of various Acts of Parliament applying to public sector bodies.

Article 5 of the Order, which extends to England and Wales and to Northern Ireland, brings into force section 98 of the Act. Section 98 empowers the Secretary of State to give, or arrange for the giving of, financial assistance related to or connected with a Defra function (a function which falls to be performed by or through the Department for Environment, Food and Rural Affairs).

Article 6 of the Order, which applies to England only, brings into force sections 66–71 of the Act which change the law in relation to rights of way and mechanically propelled vehicles. Section 66 of the Act restricts the creation of rights of way for mechanically propelled vehicles. Section 67 ends certain existing but unrecorded public rights of way for mechanically propelled vehicles. Sections 68 relates to the presumed dedication of restricted byways and the use of pedal cycles, and section 69 concerns presumed dedication and applications under section 53 of the Wildlife and Countryside Act 1981 (c. 69). Section 70 makes supplementary provision, and section 71 is an interpretation provision. Article 6 also brings into effect relevant repeals in Schedule 12 to the Act.

More detailed explanation of the provisions can be found in the Explanatory Notes for the Act, which are available from The Stationery Office, PO Box 29, Norwich NR3 1GN (or online at www.opsi.gov.uk).