



National Parks (Scotland) Act 2000

2000 asp 10

Purpose and functions of National Park authorities

9 General purpose and functions

- (1) The general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way.
- (2) A National Park authority has, in relation to the National Park—
 - (a) the general powers conferred by virtue of schedule 2,
 - (b) the functions conferred by virtue of schedule 3,
 - (c) such planning functions as may be conferred under section 10,
 - (d) such additional functions as the designation order may specify, and
 - (e) such other functions as are conferred by virtue of this Act.
- (3) A National Park authority may do anything which it considers is calculated to facilitate, or is conducive or incidental to—
 - (a) accomplishing the purpose set out in subsection (1),
 - (b) carrying out any function conferred on it by virtue of any other enactment.
- (4) Subsection (3) is without prejudice to any powers exercisable apart from that subsection but does not confer power—
 - (a) to do anything in contravention of any restriction imposed by virtue of this Act in relation to any express power of the authority,
 - (b) to raise money in a manner which is not authorised apart from that subsection.
- (5) A thing is not, however, excluded from being done under subsection (3) merely because it involves expenditure, borrowing or lending of money or acquiring or disposing of property.
- (6) In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).

10 Planning functions

- (1) A designation order may make provision for a National Park authority—
- (a) to be the planning authority for the National Park for the purposes of the planning Acts,
 - (b) to be treated as the planning authority for the National Park, but only for such purposes of Part II (development plans) of the Town and Country Planning (Scotland) Act 1997 (c. 8) as are specified in the order, or
 - (c) to have, in relation to the National Park, such functions in relation to planning as the order may specify.
- (2) In this section, “the planning Acts” has the same meaning as in that Act of 1997.

11 National Park Plans

A National Park authority must, by such time as the Scottish Ministers may direct, prepare and submit to the Scottish Ministers a plan (a “National Park Plan”) setting out its policy for—

- (a) managing the National Park, and
 - (b) co-ordinating the exercise of—
 - (i) the authority’s functions in relation to the National Park, and
 - (ii) the functions of other public bodies and office-holders so far as affecting the National Park,
- with a view to accomplishing the purpose set out in section 9(1).

12 National Park Plans: procedure

- (1) When a National Park authority has prepared a National Park Plan it must—
- (a) send a copy of the Plan to every local authority any part of whose area is within the National Park,
 - (b) determine the period, which must be a minimum of 12 weeks, for which it is to be made available for public inspection under subsection (2) and notify every such local authority of that period,
 - (c) publicise it in such manner as it thinks fit, and
 - (d) consult—
 - (i) every such local authority,
 - (ii) every community council any part of whose area is within the National Park,
 - (iii) such persons as appear to it to be representative of the interests of those who live, work or carry on business in the National Park, and
 - (iv) such other persons as it thinks fit,
- on the Plan.
- (2) A local authority receiving a copy Plan under subsection (1)(a) must make it available for public inspection for the period referred to in subsection (1)(b).
- (3) The National Park authority must take into account—
- (a) any views on the Plan expressed by those consulted under subsection (1)(d), and
 - (b) any comments on it received within the period referred to in subsection (1)(b),

and may adjust it in light of such views and comments.

- (4) On receipt of the Plan from the National Park authority the Scottish Ministers may—
 - (a) approve it (with or without modifications), or
 - (b) reject it.
- (5) The Scottish Ministers must not approve a Plan with modifications unless they have—
 - (a) sent a copy of the proposed modifications to the National Park authority, and
 - (b) taken into account any comments on the proposed modifications made to them by the authority.
- (6) Where the Scottish Ministers approve a Plan with modifications or reject it they must give their reasons for doing so.
- (7) Where a Plan is approved under subsection (4)(a), the National Park authority must—
 - (a) adopt the Plan (as approved) as its National Park Plan,
 - (b) send a copy of it to the Scottish Ministers and every local authority any part of whose area is within the National Park,
 - (c) keep a copy of it for inspection by any person at any reasonable time and keep copies for sale at a reasonable price, and
 - (d) publicise it in such manner as it thinks fit.
- (8) Where a Plan is rejected under subsection (4)(b), the National Park authority must prepare a revised Plan and submit it to the Scottish Ministers by such time as they may direct.

13 National Park Plans: review

- (1) A National Park authority must from time to time review its National Park Plan and, if it thinks fit, prepare and submit to the Scottish Ministers an amended National Park Plan.
- (2) A review under subsection (1) is to take place not more than 5 years (or such lesser period as the Scottish Ministers may direct) from the adoption of the National Park Plan or, as the case may be, the previous review.
- (3) Section 12 applies in relation to an amended National Park Plan as it applies to a National Park Plan prepared in pursuance of section 11.

14 Duty to have regard to National Park Plans

The Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park, have regard to the National Park Plan as adopted under section 12(7)(a).

15 Management agreements

- (1) A National Park authority may enter into an agreement (a “management agreement”) with any person having an interest in land to do, or secure the doing of, whatever the parties to the agreement consider necessary to achieve, in relation to the National Park, the National Park aims.

Status: This is the original version (as it was originally enacted).

- (2) A management agreement may include such incidental and consequential provisions (including financial ones) as the authority considers necessary or expedient for the purposes of the agreement.
- (3) A liferenter or an heir of entail in possession of any land has power to enter into management agreements under this section relating to the land.
- (4) The Trusts (Scotland) Act 1921 (c. 58) has effect as if the powers conferred on trustees by section 4 of that Act (general powers of trustees) included a power to enter into management agreements relating to the trust estate.
- (5) A management agreement which affects a registrable interest in land may—
 - (a) where that interest is registered in the Land Register of Scotland, be registered in that Register,
 - (b) in any other case, be recorded in the appropriate Division of the General Register of Sasines.
- (6) An agreement so registered or recorded is enforceable at the instance of the National Park authority against any person deriving title to the land from the other party to the agreement.
- (7) But it is not enforceable against a third party who has acquired right to the land (whether or not completed by infeftment) in good faith and for value prior to the agreement being so registered or recorded, or against any person deriving title from such third party.
- (8) Despite the terms of a management agreement, the parties to the agreement and any person deriving title from a party may agree to terminate the agreement at any time.
- (9) Where the agreement has been registered or recorded under subsection (5), an agreement to terminate it must be registered or, as the case may be, recorded in the same way.
- (10) In this section “registrable interest in land” means an interest in land within the meaning of section 28 of the Land Registration (Scotland) Act 1979 (c. 33) which is not an overriding interest within the meaning of that section.