

# NATIONAL PARKS (SCOTLAND) ACT 2000

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## EXPLANATORY NOTES

### INTRODUCTION

#### *Schedule 5: Modification of enactments*

137. This schedule makes modifications of other enactments.
138. *Paragraphs 1 and 3* enable National Parks authorities to second staff to local authorities (and vice versa).
139. *Paragraph 2* makes amendments to the Countryside (Scotland) Act 1967 in respect of country and regional parks and byelaws. *Sub-paragraphs (1) and (2)* allow National Park authorities to carry out work relating to rights of way, similar to that undertaken by local authorities. *Sub-paragraphs (3) and (4)* have the effect that new country and regional parks may not be created within areas after their designation as National Parks, although the provisions relating to existing country and regional parks will continue in force. In other words, the designation of a National Park will not in itself nullify the existence of a country or regional park – it will be for the National Park and relevant local authority to agree what arrangements to make in this respect. *Sub-paragraphs (5) and (6)* apply the same principle to byelaws made in respect of country or regional parks. *Sub-paragraph (7)* includes a National Park as a consultee on byelaws made by local authorities or Scottish Ministers where those byelaws would apply within area of the National Park.
140. *Paragraph 4* adds National Park authorities to the list of consultees for the purposes of nitrate sensitive areas under the Control of Pollution Act 1974.
141. *Paragraph 5* amends relevant parts of the Local Government (Scotland) Act 1975 with the effect that National Park authorities are included in the list of bodies subject to investigation by the local government ombudsman under Part II of that Act.
142. *Paragraph 6* gives powers (but not duties) to National Park authorities to deal with abandoned and removed vehicles, equivalent to those of local authorities.
143. *Paragraph 7* allows National Park authorities to acquire an ancient monument by agreement or by gift for its preservation or maintenance.
144. *Paragraph 8* adds National Park authorities to the list of statutory consultees in respect of areas of special scientific interest and adds National Parks to the areas in respect of which Ministers have duties in relation to certain grants (provided for under the Wildlife and Countryside Act 1981).
145. *Paragraph 9* adds National Park authorities to the list of consultees in respect of notification of public processions held under the provisions of the Civic Government (Scotland) Act 1982.
146. *Paragraph 10* adds the National Park authorities to the list of consultees in relation to the provisions for the abatement of litter under the Litter Act 1983.

*These notes relate to the National Parks (Scotland) Act 2000  
(asp 10) which received Royal Assent on 14 August 2000*

147. *Paragraph 11* adds National Park authorities to the list of “consultation bodies” in respect of road traffic regulation orders under the Road Traffic Regulation Act 1984. It also allows a National Park authority to make submissions to the Scottish Ministers on the desirability of these orders in relation to a National Park.
148. *Paragraph 12* adds National Park authorities to the list of “consultation bodies” in respect of roads projects for the purposes of Environmental Impact Assessments as provided for under the Roads (Scotland) Act 1984.
149. *Paragraph 13* adds National Park authorities to the bodies covered by Part II of the Local Government Act 1988 dealing with fairness and letting of contracts.
150. *Paragraph 14* adds National Park authorities to the statutory consultees in respect of hydro-electric generating stations and the preservation of amenity when carrying out works connected with the generation, transmission or supply of electricity.
151. *Paragraph 15* applies section 5 of the Local Government and Housing Act 1989 to a National Park authority with appropriate modifications. A National Park authority is required to appoint a monitoring officer whose duty is to report to the authority and its members on anything in the operation of the authority which contravenes the law or amounts to maladministration.
152. *Paragraph 16* amends the Enterprise and New Towns (Scotland) Act 1990 so that the consultations by Scottish Enterprise and Highlands and Islands Enterprise in relation to certain functions include National Park authorities.
153. *Paragraph 17* adds National Park authorities to the bodies that must be consulted when local authorities undertake air quality reviews.
153. *Paragraph 18* provides that with respect to any land within a National Park, in the exercise of powers under the Town and Country Planning (Scotland) Act 1997 and the other planning Acts, special attention shall be paid to the desirability of exercising the power consistently with the National Park Plan.