

SCHEDULES

SCHEDULE 4

Section 39.

LOCAL AUTHORITY COMMITTEES AND JOINT BOARDS

Planning committees

- 1 (1) Part I of Schedule 2 to the Town and Country Planning Act 1962 (appointment of planning committees) shall have effect as if all appropriate countryside functions exercisable by county councils or county borough councils were functions conferred on them as local planning authorities.
- (2) The functions to be delegated to a separate planning committee, or separate sub-committee of a planning committee, appointed in pursuance of section 8(3) of the Act of 1949 (for the part of the "area of a local planning authority within a National Park, with or without any part of the remainder of the area) shall include, in addition to such of the local planning authority's functions under the said Act of 1962 and the Act of 1949 as are so delegated in pursuance of the said section 8(3), such other appropriate countryside functions exercisable by the local planning authority (whether as a local planning authority or as the council of a county or county borough) as may be agreed between the local planning authority and the Commission, or as in default of agreement the Minister may determine.
- (3) The committee or sub-committee may under the said section 8(3) as extended by sub-paragraph (2) above be authorised to exercise any appropriate countryside functions for all or any part of the area of the local planning authority which is outside the area for which the committee or sub-committee is appointed.
- (4) The purposes for which a committee may be appointed under section 85 of the Local Government Act 1933 (general power to appoint local authority committees) shall include the discharge of any appropriate countryside functions, including any such functions which the local authority in question exercise as a local planning authority.

This sub-paragraph has effect notwithstanding that subsection (5) of the said section 85 restricts that section where the local authority are authorised to appoint a committee by any other enactment, and notwithstanding that the said Part I of Schedule 2 to the Act of 1962 as amended by this paragraph is such an enactment; but this sub-paragraph shall not affect the provisions of the said section 8(3) of the Act of 1949.

Local planning authorities' joint advisory committees

- 2 (1) The purposes for which under Part II of Schedule 2 to the said Act of 1962 a joint advisory committee may be established by local planning authorities or the Minister shall include the purpose of advising as to the exercise of any appropriate countryside functions exercisable by any of the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs).

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

- (2) The functions of a joint advisory committee established, whether before or after the passing of this Act, to meet the requirements of section 8(4) of the Act of 1949 (which requires such a committee to be established where in consequence of a direction under the proviso to subsection (2) of that section there is no one local planning authority for the whole of a National Park) shall include the giving of advice on the exercise of any functions exercisable by the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs) which are conferred by this Act as respects the National Park, but without prejudice to the power given by sub-paragraph (1) above to confer other advisory functions on the joint advisory committee.
- (3) Sub-paragraph (1) above shall not have effect so as to restrict the purposes for which a joint committee may be appointed under section 91 of the Local Government Act 1933 (general power to appoint joint committees of local authorities) notwithstanding that, under subsection (4) of that section, a joint committee is not to be appointed under that section for any purpose for which the local authorities are authorised to appoint a joint committee by any other enactment, and that sub-paragraph (1) above is such an enactment.

Joint planning boards

- 3 An order under section 2(2) of the said Act of 1962 (joint planning boards) may authorise a joint planning board, including one established pursuant to section 8(2) of the Act of 1949 for a National Park, to exercise any appropriate countryside functions exercisable by the councils of counties and county boroughs wholly or partly in the area of the joint planning board ; and any functions so conferred shall be treated for the purposes of Part I of the said Schedule 2 as functions exercisable by the joint planning board as a local planning authority.

Appointment of members of board or committee for National Park area

- 4 (1) Not less than one third of the members of—
- (a) a joint board or joint advisory committee constituted for an area being or including the whole or any part of a National Park, or
 - (b) a planning committee, or sub-committee of a planning committee, for such an area, where no joint board is constituted for the area,
- shall be persons appointed by the Minister after consultation with the Commission:
- Provided that if in any particular case the Minister, with the agreement of the Commission, so determines, this sub-paragraph shall have effect as if for the words " one third " there were substituted the words " one quarter ".
- (2) The persons appointed in pursuance of sub-paragraph (1) above shall hold office for such period, not being less than one year nor more than three years, as the Minister may, after consultation with the Commission, determine and shall be eligible for re-appointment.
- (3) This paragraph shall not affect any appointment made before this Act comes into force.
- (4) This paragraph shall be construed as if it formed part of section 8 of the Act of 1949 (administration of functions of local authorities as respects National Parks), and shall be in substitution for subsection (6) of that section.

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

Interpretation

- 5 In this Schedule " appropriate countryside functions " means such functions under this Act, the Act of 1949, or any other enactment, as in the opinion of the local authority or local authorities concerned, or where the functions are ones which may be conferred by an order or determination of a Minister, of that Minister, relate to the countryside and are appropriate for reference to a committee or board concerned with matters relating to the countryside.