

Status: Point in time view as at 01/04/2001.

Changes to legislation: Environment Act 1995, SCHEDULE 10 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 78.

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO NATIONAL PARKS

The Finance Act 1931 (c. 28)

F11

Textual Amendments

F1 Sch. 10 para. 1 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. IV Group 2

The National Parks and Access to the Countryside Act 1949 (c. 97)

- 2 (1) In section 6 of the National Parks and Access to the Countryside Act 1949 (general duties of Countryside Commission and the Countryside Council for Wales as respects the National Parks)—
- (a) in subsection (3)—
 - (i) in paragraph (a), before “local authorities” there shall be inserted “National Park authorities and ”; and
 - (ii) in paragraph (b), before “local authority” there shall be inserted “National Park authority ”;
 - and
 - (b) in subsection (6), after “means” there shall be inserted the words “ a National Park authority or ”.
- (2) In section 7 of that Act—
- (a) in subsection (5) (bodies consulted about variation of the area of a National Park), after “consult with” there shall be inserted “ any National Park authority for the Park in question and with ”; and
 - (b) in subsection (6) (notices), after “as the case may be” there shall be inserted “ at the offices (where the order is for the variation of an order designating a Park) of any National Park authority for the Park in question ”.
- (3) In section 9(1) of that Act (local planning authority to consult Countryside Commission or Countryside Council for Wales about proposals for a development plan affecting a National Park), for “the local planning authority” there shall be substituted “ the authority or authorities who are required to prepare the plan or, as the case may be, who are entitled to alter or add to it ”.
- (4) In section 12(1) of that Act (provision in a National Park of facilities) for “provision in” there shall be substituted “ provision for ”.

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- (5) In subsection (4) of section 51 of that Act (consultation as to proposals for a long distance route)—
- (a) after the word “every”, in the first place where it occurs, there shall be inserted “ National Park authority, ”;
 - (b) after “whose” there shall be inserted “ Park or ”; and
 - (c) after “every such” there shall be inserted “ authority, ”;
- and in subsection (5) of that section (report to contain estimates of capital outlay by local authorities), after “local authorities” there shall be inserted “ and National Park authorities ”.
- (6) In section 52(2) of that Act (notice of determination as to any proposals on long distance routes)—
- (a) after “every” there shall be inserted “ National Park authority ”; and
 - (b) after “whose” there shall be inserted “ Park or ”.
- [^{F2}(7) For section 88 of that Act (application to areas of outstanding natural beauty of provisions relating to National Parks) there shall be substituted—

“ Functions of certain bodies in relation to areas of outstanding natural beauty.

- (1) The following provisions of this Act, that is to say—
 - (a) paragraph (e) of subsection (4) of section six,
 - (b) section nine,
 - (c) subsection (1) of section sixty-two,
 - (d) subsection (5) of section sixty-four, and
 - (e) subsections (5) and (5A) of section sixty-five,
 shall apply in relation to areas of outstanding natural beauty as they apply in relation to National Parks.
- (2) In paragraph (e) of subsection (4) of section six of this Act as it applies by virtue of the last foregoing subsection, the expression “appropriate planning authority” means a local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty and includes a local authority, not being a local planning authority, by whom any powers of a local planning authority as respects an area of outstanding natural beauty are exercisable, whether under this Act or otherwise.
- (3) The provisions of section 4A of this Act shall apply to the provisions mentioned in paragraphs (a) and (b) of subsection (1) of this section for the purposes of their application to areas of outstanding natural beauty as the provisions of the said section 4A apply for the purposes of Part II of this Act.
- (4) A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty shall have power, subject to the following provisions of this section, to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much thereof as is included in their area.
- (5) Nothing in this Act shall be construed as limiting the generality of the last foregoing subsection; but in so far as the provisions of this Act

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confer specific powers falling within that subsection those powers shall be exercised in accordance with those provisions and subject to any limitations expressed or implied therein.

- (6) Without prejudice to the powers conferred by this Act, subsection (4) of this section shall have effect only for the purpose of removing any limitation imposed by law on the capacity of a local planning authority by virtue of its constitution, and shall not authorise any act or omission on the part of such an authority which apart from that subsection would be actionable at the suit of any person on any ground other than such a limitation.”]
- (8) In section 114(2) of that Act (construction of references to the preservation of the natural beauty of an area) after the word “preservation”—
- (a) in the first place where it occurs, there shall be inserted the words “ , or the conservation, ”, and
- (b) in the second place where it occurs, there shall be inserted the words “ or, as the case may be, the conservation ”.
- (9) In Schedule 1 to that Act (procedure for certain orders)—
- (a) in paragraph 1, after sub-paragraph (3) there shall be inserted the following sub-paragraph—
- “(3A) Where under this paragraph any notice is required to be given by any person in respect of any land which is already in a National Park for which a National Park authority is the local planning authority, that person shall serve a copy of that notice on that authority.”;
- (b) in paragraph 2(5), after “the Council” there shall be inserted “ a National Park authority, ”;
- (c) in paragraph 3(a), after “under sub-paragraph” there shall be inserted “ (3A) or ”; and
- (d) after paragraph 3 there shall be inserted the following paragraph—

“3A An order designating a National Park shall have effect as from such time as may be determined by the Minister and specified in the notice of the confirmation of that order.”

Textual Amendments

- F2** Sch. 10 para. 2(7) repealed (1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 37, ss. 102, 103, Sch. 16 Pt. V; S.I. 2001/114, art. 2(2)(m)

Commencement Information

- I1** Sch. 10 para. 2 wholly in force at 1.4.1996; Sch. 10 para. 2 not in force at Royal Assent see s. 125(3); Sch. 10 para. 2(1)(3)-(9)(a)(c)(d) in force at 23.11.1995 by S.I. 1995/2950, art. 2(1) (subject to art. 2(2)); Sch. 10 para. 2(2)(9)(b) in force at 1.4.1996 by S.I. 1995/2950, art. 3(1) (subject to art. 3(2) which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, art. 3)

The Landlord and Tenant Act 1954 (c. 56)

- 3 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, for the words from “has the same meaning” to

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“Broads Authority” there shall be substituted “ means any local authority within the meaning of the ^{M1}Town and Country Planning Act 1990, any National Park authority, the Broads Authority or ”.

Commencement Information

I2 Sch. 10 para. 3 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

Marginal Citations

M1 1990 c. 8.

The Land Compensation Act 1961 (c. 33)

4 (1) Paragraph 55(2) of Schedule 16 to the 1972 Act (which relates to the operation of section 17 of the Land Compensation Act 1961 in a National Park) shall not apply in the case of a National Park for which a National Park authority is the local planning authority.

(2) In section 39(1) of that Act of 1961 (interpretation), for the definition of “local planning authority” there shall be substituted the following definition—

““local planning authority” shall be construed in accordance with Part I of the ^{M2}Town and Country Planning Act 1990;”.

Commencement Information

I3 Sch. 10 para. 4 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

Marginal Citations

M2 1990 c. 8.

The Trustee Investments Act 1961 (c. 62)

5 In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)(a), after “the Broads Authority” there shall be inserted “ a National Park authority ”.

Commencement Information

I4 Sch. 10 para. 5 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Agriculture Act 1967 (c. 22)

6 In section 50(3) of the Agriculture Act 1967 (bodies transfers to whom are not subject to section 49), after paragraph (a) there shall be inserted the following paragraph—

“(aa) a National Park authority;”.

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Commencement Information

- I5** Sch. 10 para. 6 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Leasehold Reform Act 1967 (c. 88)

- 7 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), after paragraph (aa) there shall be inserted the following paragraph—
“(ab) to any National Park authority; and”.

Commencement Information

- I6** Sch. 10 para. 7 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Countryside Act 1968 (c. 41)

- 8 (1) In section 4(1) of the Countryside Act 1968 (experimental projects and schemes) after “local authorities” there shall be inserted “ National Park authorities ”.
(2) In section 12(1) of that Act (provision in National Park of facilities), for “provision in” there shall be substituted “ provision for ”.
(3) In section 13(12) of that Act (enforcement of byelaws), for “in the area of that other local authority” there shall be substituted “ for an area that includes any part of the National Park in question ”.

Commencement Information

- I7** Sch. 10 para. 8 wholly in force at 1.4.1996; Sch. 10 para. 8 not in force at Royal Assent see s. 125(3); Sch. 10 para. 8(2) in force at 23.11.1995 by S.I. 1995/2950, art. 2(1) (subject to art. 2(2)); Sch. 10 para. 8(1)(3) in force at 1.4.1996 by S.I. 1995/2950, art. 3(1) (subject to art. 3(2) which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, art. 3)

The Employers Liability (Compulsory Insurance) Act 1969 (c. 57)

- 9 In section 3 of the Employers Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2), after “the Broads Authority” there shall be inserted “ a National Park authority ”.

Commencement Information

- I8** Sch. 10 para. 9 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

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The 1972 Act

- 10 (1) In subsection (1)(a) of section 80 of the 1972 Act (disqualification for persons holding appointments made or confirmed by a local authority or connected authority), after “joint committee” there shall be inserted “ or National Park authority ”; and after subsection (2) of that section there shall be inserted the following subsections—
- “(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.
- (2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.”
- (2) In section 184 of the 1972 Act (functions under countryside legislation)—
- (a) at the beginning of subsection (1) there shall be inserted the words “ Subject to section 68 of the Environment Act 1995 (planning authority functions under National Parks legislation to be functions of National Park authorities in certain cases), ”; and
- (b) in paragraph (b) of that subsection, for the words “subsections (6) to (8) below” there shall be substituted the words “ subsections (7) and (8) below ”.
- (3) In subsection (3) of that section, for the words “sections 9 and 11” there shall be substituted the words “ section 9 ”.

Commencement Information

- I9** Sch. 10 para. 10 partly in force; Sch. 10 para. 10 not in force at Royal Assent see s. 125(3); Sch. 10 para. 10(1)(3) in force at 23.11.1995 by S.I. 1995/2950, art. 2(1) (subject to art. 2(2)); Sch. 10 para. 10(2)(b) in force at 1.4.1997 by S.I. 1996/2560, art. 2

The Employment Agencies Act 1973 (c. 35)

- 11 In section 13(7) of the Employment Agencies Act 1973 (cases in which Act does not apply), after paragraph (ff) there shall be inserted the following paragraph —
- “(fg) the exercise by a National Park authority of any of its functions;”.

Commencement Information

- I10** Sch. 10 para. 11 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Health and Safety at Work etc. Act 1974 (c. 37)

- 12 In section 28 of the Health and Safety at Work etc. Act 1974 (restrictions on disclosure of information), for subsection (10) there shall be substituted the following subsection—
- “(10) The Broads Authority and every National Park authority shall be deemed to be local authorities for the purposes of this section.”

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Commencement Information

- I11** Sch. 10 para. 12 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Welsh Development Agency Act 1975 (c. 70)

- 13 (1) In section 1(14) of the Welsh Development Agency Act 1975 (consultation by Agency with local authorities and other bodies), after “local authorities” there shall be inserted “ National Park authorities ”.
- (2) In subsections (1) and (2) of section 5 of that Act (assistance to the Agency from other bodies), after “local authority”, in each case, there shall be inserted “ a National Park authority ”.
- (3) In section 15(1) of that Act (which refers to consultation under section 1(14)), after “local authorities” there shall be inserted “ National Park authorities ”.

Commencement Information

- I12** Sch. 10 para. 13 wholly in force at 1.4.1996, see s. 125(3) and S.I. 1995/2950, art. 3(1) (subject to art. 3(2) which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, art. 3)

Local Land Charges Act 1975 (c. 76)

- 14 In sections 1 and 2 of the Local Land Charges Act 1975 (obligations that are and are not local land charges), after the words “local authority”, in each place where they occur, there shall be inserted “ or National Park authority ”.

Commencement Information

- I13** Sch. 10 para. 14 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Race Relations Act 1976 (c. 74)

- 15 (1) In section 19A of the Race Relations Act 1976 (discrimination in planning), in subsection (2)(a) (definition of “planning authority”), after “the Broads Authority” there shall be inserted “ a National Park authority or ”.
- (2) In section 71 of that Act (general statutory duty of local authorities), after “the Broads Authority” there shall be inserted “ and every National Park authority ”.

Commencement Information

- I14** Sch. 10 para. 15 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

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The Development of Rural Wales Act 1976 (c. 75)

^{F3}16

Textual Amendments
F3 Sch. 10 para. 16 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

The Rent (Agriculture) Act 1976 (c. 80)

17 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or local authority etc.), after paragraph (bc) there shall be inserted the following paragraph—
“(bd) any National Park authority;”.

Commencement Information
I15 Sch. 10 para. 17 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, **art. 2(1)** (subject to art. 2(2))

The Rent Act 1977 (c. 42)

18 In section 14 of the Rent Act 1977 (exemption from protection for lettings by local authorities etc.), after paragraph (bb) there shall be inserted the following paragraph—
“(bc) a National Park authority;”.

Commencement Information
I16 Sch. 10 para. 18 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, **art. 2(1)** (subject to art. 2(2))

The Justices of the Peace Act 1979 (c. 55)

^{F4}19

Textual Amendments
F4 Sch. 10 para. 19 repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), **Sch. 6 Pt. I** (with Sch. 4 para. 27)

The Local Government, Planning and Land Act 1980 (c. 65)

^{F5}20

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Textual Amendments

- F5** Sch. 10 para. 20 repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. V** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

The Acquisition of Land Act 1981 (c. 67)

- 21 (1) In section 17(3) of the Acquisition of Land Act 1981 (special Parliamentary procedure not to apply to compulsory acquisition by certain bodies), after “subsection (4) below” there shall be inserted “, a National Park authority”.
- (2) In paragraph 4(3) of Schedule 3 to that Act (which makes similar provision in relation to the acquisition of rights), after “sub-paragraph (4) below” there shall be inserted “, a National Park authority”.

Commencement Information

- I17** Sch. 10 para. 21 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, **art. 2(1)** (subject to art. 2(2))

The Wildlife and Countryside Act 1981 (c. 69)

- 22 ^{F6}(1)
- (2) In section 41(5A) of that Act (duties of agriculture Ministers with respect to the countryside to have effect in relation to the Broads as if the Broads were a National Park), at the end there shall be inserted “ (and, as respects land within the Broads, any reference in this section to the relevant authority is accordingly a reference to the Broads Authority). ”
- (3) In section 42 of that Act (notification of agricultural operations on moor and heath), for the words “local planning authority”, wherever they occur, there shall be substituted “ National Park authority ”.
- (4) In section 44 of that Act (grants and loans for National Parks purposes)—
- (a) in subsection (2), for “a local planning authority” there shall be substituted “ the authority in question ”;
 - (b) in subsection (3), for “A local planning authority” there shall be substituted “ The authority in question ”; and
 - (c) in subsection (4), for the words from “county planning authority” onwards there shall be substituted “ National Park authority and the Broads as a National Park for which it is the local planning authority ”.
- (5) In section 51(2)(c) of that Act (definition of “relevant authority” in relation to the exercise of powers of entry for the purposes of section 42), for “local planning authority” there shall be substituted “ National Park authority ”.
- (6) In section 52(2) of that Act (construction of references to a local planning authority), after “except as respects” there shall be inserted “ a National Park for which a National Park authority is the local planning authority, ”.

^{F7}(7)

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Textual Amendments

- F6** Sch. 10 para. 22(1) repealed (1.4.1997) by 1995 c. 25, ss. 78, 120(3), Sch. 10 para. 22(7), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F7** Sch. 10 para. 22(7) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

Commencement Information

- I18** Sch. 10 para. 22 wholly in force at 1.4.1997; Sch. 10 para. 22 not in force at Royal Assent see s. 125(3); Sch. 10 para. 22(3)(4)(a)(b)(5) in force at 1.4.1996 by S.I. 1995/2950, **art. 3(1)** (subject to **art. 3(2)** which **art. 3(2)** was revoked (1.4.1997) by 1996/2560, **art. 3**); Sch. 10 para. 22(2)(4)(c)(6)(7) in force at 1.4.1997 by S.I. 1996/2560, **art. 2**

The County Courts Act 1984 (c. 28)

- 23 In section 60(3) of the County Courts Act 1984 (right of audience for proper officer of local authority in certain circumstances), after “the Broads Authority” there shall be inserted “ any National Park authority, ”.

Commencement Information

- I19** Sch. 10 para. 23 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, **art. 2(1)** (subject to **art. 2(2)**)

The Housing Act 1985 (c. 68)

- 24 (1) In section 43 of the Housing Act 1985 (consent of the Secretary of State required for certain disposals by local authorities), after subsection (5) there shall be inserted the following subsection—
- “(5A) References in this section and in section 44 to a local authority shall include references to a National Park authority.”
- (2) In section 45(2)(b) of that Act (definition of “public sector authority” for the purposes of provisions relating to service charges after disposal), after “a local authority” there shall be inserted— “ a National Park authority ”.
- (3) In section 573 of that Act (definition of “public sector authority” for the purposes of assisting the owners of defective housing), after the entry relating to joint boards there shall be inserted the following entry—
- “a National Park authority (or a predecessor of such an authority),”.

Commencement Information

- I20** Sch. 10 para. 24 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, **art. 2(1)** (subject to **art. 2(2)**)

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The Landlord and Tenant Act 1985 (c. 70)

- 25 (1) In sections 14(4) and 26(1) of, and in paragraph 9(1) of the Schedule to, the Landlord and Tenant Act 1985 (provisions excluding operation of certain provisions in the case of public sector housing), after “a local authority”, in each case, there shall be inserted— “a National Park authority”.
- (2) In section 28(6) of that Act (meaning of “qualified accountant” in the case of public sector landlords), after “local authority” there shall be inserted “National Park authority”.
- (3) In section 31(3) of that Act (reserve powers to limit rents), in the definition of “rent”, after “local authorities” there shall be inserted “National Park authorities”.

Commencement Information

I21 Sch. 10 para. 25 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Landlord and Tenant Act 1987 (c. 31)

- 26 In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords), after paragraph (dd) there shall be inserted the following paragraph—
“(de) a National Park authority;”.

Commencement Information

I22 Sch. 10 para. 26 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Norfolk and Suffolk Broads Act 1988 (c. 4)

- 27 In Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (functions of the Broads authority), in paragraph 43, for the words from “as a local authority” onwards there shall be substituted “for the purposes of the ^{M3}Derelict Land Act 1982 as a National Park authority and the Broads as a National Park for which it is the local planning authority”.

Marginal Citations

M3 1982 c. 42.

The Housing Act 1988 (c. 50)

- 28 In paragraph 12(2) of Schedule 1 to the Housing Act 1988 (meaning of “local authority” for the purposes of determining the tenancies to be treated as local authority tenancies), after paragraph (d) there shall be inserted the following paragraph—
“(da) a National Park authority;”.

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Commencement Information

I23 Sch. 10 para. 28 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Road Traffic Act 1988 (c. 52)

- 29 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exemptions from requirement of third party insurance or security), after “London borough” there shall be inserted “ a National Park authority ”.

Commencement Information

I24 Sch. 10 para. 29 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Electricity Act 1989 (c. 29)

- 30 (1) Paragraph 2(6) of Schedule 8 to the Electricity Act 1989 (definition of “relevant planning authority” for the purposes of consents under that Act) shall be amended in accordance with the following provisions of this paragraph.
- (2) In this paragraph “the 1994 amendment” means the omission of the words “and Wales” in paragraph (a) of the said paragraph 2(6) by paragraph 22 of Schedule 6 to the^{M4}Local Government (Wales) Act 1994.
- (3) If the 1994 amendment comes into force after this paragraph, then—
- (a) in paragraph (a) of the said paragraph 2(6), for the words “England and Wales” there shall be substituted the words “ land in England and Wales which is not in a National Park for which a National Park authority is the local planning authority ”;
 - (b) after that paragraph (a) there shall be inserted the following paragraph—
 - “(aa) in relation to land in England and Wales which is in a National Park for which a National Park authority is the local planning authority, means that National Park authority; and”;
 - (c) the 1994 amendment shall have effect in relation to the said paragraph (a) as amended by paragraph (a) above, and on the coming into force of the 1994 amendment the words “and Wales” shall also be omitted from the paragraph (aa) inserted by paragraph (b) above.
- (4) If the 1994 amendment comes into force before this paragraph, then—
- (a) in paragraph (a) of the said paragraph 2(6), for the word “England” there shall be substituted the words “ land in England which is not in a National Park for which a National Park authority is the local planning authority ”; and
 - (b) after that paragraph (a) there shall be inserted the following paragraph—
 - “(aa) in relation to land in England which is in a National Park for which a National Park authority is the local planning authority, means that National Park authority; and”.

Status: Point in time view as at 01/04/2001.

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- (5) If the 1994 amendment comes into force on the same day as this paragraph, the 1994 amendment shall be deemed to have come into force immediately before this paragraph (and sub-paragraph (4) above shall have effect accordingly).
- (6) The paragraph (aa) inserted by paragraph 22 of Schedule 6 to the ^{M5}Local Government (Wales) Act 1994 shall be re-numbered “(ab)”.

Commencement Information

I25 Sch. 10 para. wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

Marginal Citations

M4 1994 c. 19.

M5 1994 c. 19.

The Local Government and Housing Act 1989 (c. 42)

- 31 (1) In section 21(1) of the Local Government and Housing Act 1989 (interpretation of Part I) the word “and” immediately preceding paragraph (m) shall be omitted and after that paragraph there shall be added “and
- (n) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M6}Town and Country Planning Act 1990.”
- (2) In section 39(1) of that Act (application of Part IV), after paragraph (h) there shall be inserted—
- “(hh) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M7}Town and Country Planning Act 1990;”.
- (3) In section 67(3) of that Act (local authorities for the purposes of Part V) the word “and” at the end of paragraph (o) shall be omitted and after that paragraph there shall be inserted—
- “(oo) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M8}Town and Country Planning Act 1990; and”.
- (4) In section 152(2) of that Act (relevant authorities for the purposes of imposing certain charges) the word “and” immediately preceding paragraph (l) shall be omitted and after that paragraph there shall be added “and
- (m) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M9}Town and Country Planning Act 1990.”
- (5) In paragraph 2(1)(b) of Schedule 1 to that Act (bodies to which appointments are made taking account of political balance) for “paragraphs (k) and (m)” there shall be substituted “ paragraphs (k), (m) and (n) ”.

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Commencement Information

I26 Sch. 10 para. 31 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

Marginal Citations

M6 1990 c. 8.

M7 1990 c. 8.

M8 1990 c. 8.

M9 1990 c. 8.

The Town and Country Planning Act 1990 (c. 8)

- 32 (1) In paragraph (a) of section 1(5) of the Town and Country Planning Act 1990 (provisions to which subsections (1) to (4) are subject)—
- (a) for “sections 5 to” there shall be substituted “ sections 4A to ”; and
 - (b) at the end there shall be inserted “ and ”.
- (2) In section 2 of that Act (joint planning boards), before subsection (2) of that section there shall be inserted the following subsection—
- “(1D) The areas that may be constituted as a united district for the purposes of this section shall not include the whole or any part of an area which is comprised in a National Park for which there is a National Park authority.”
- (3) In section 4 of that Act (National Parks), after subsection (4) there shall be inserted the following subsection—
- “(5) This section shall have effect subject to section 4A below.”
- (4) In sections 90(1) and 101(2)(c) of that Act (development with government authorisation), after the words “local authority”, in each place where they occur, there shall be inserted “ or National Park authority ”.
- (5) In sections 169 and 170(2)(b) of that Act (provisions in relation to blighted land), after “local authority” there shall be inserted “ National Park authority ”.
- (6) In section 209(5) of that Act (regulations for charging expenses of a local authority which is a local planning authority on land), after “local authority” there shall be inserted “ or National Park authority ”.
- (7) In section 252 of that Act (procedure for making certain orders)—
- (a) in subsection (2) (bodies to be given notice), after paragraph (a) there shall be inserted the following paragraph—
 - “(aa) on any National Park authority which is the local planning authority for the area in which any highway or, as the case may be, any land to which the order relates is situated, and”;
 - (b) in subsection (4) (objections), after “local authority” there shall be inserted “ National Park authority ”.
- (8) In section 253(2)(a) of that Act (procedure in anticipation of planning permission)—
- (a) in subsections (2)(a) and (3)(a), after “local authority”, in each case, there shall be inserted “ National Park authority ”; and

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- (b) in subsection (4), after “London borough” there shall be inserted “ a National Park authority ”.
- (9) In section 305(1)(a) of that Act (contribution by Ministers towards compensation paid by local authorities), after “local authority” there shall be inserted “ or National Park authority ”.
- (10) In section 306 of that Act (contributions by local authorities and statutory undertakers), after subsection (5) there shall be inserted the following subsection—
- “(6) This section shall have effect as if the references to a local authority included references to a National Park authority.”
- (11) In section 330 of that Act (power to require information as to interests in land), after subsection (5) there shall be inserted the following subsection—
- “(6) This section shall have effect as if the references to a local authority included references to a National Park authority.”
- (12) In section 333(1) of that Act (regulations as to form of notice etc.), after “local authority” there shall be inserted “ or National Park authority ”.
- (13) In section 336(1) of that Act (interpretation), in the definition of “local authority” after “subsection (10)” there shall be inserted “ below and section 71(7) of the Environment Act 1995 ”.
- (14) In Schedule 1 to that Act (distribution of planning functions)—
- (a) in paragraph 4(2) (consultation with district planning authorities)—
- (i) after “determined by a” there shall be inserted “ National Park authority [^{F8}or] ”; and
- (ii) before “the district planning authority” there shall be inserted “ any authority which (but for section 4A) would be [^{F8}or, as the case may be, which is] ”; and
- (b) in paragraph 13(1), for “A county planning authority” there shall be substituted “ In the case of any area for which there is both a district planning authority and a county planning authority, the county planning authority ”;
- (c) [^{F8}in sub-paragraph (2) of paragraph 19, after “Park” there shall be inserted “ to which section 4 applies ”, and] after that sub-paragraph there shall be inserted the following sub-paragraph—
- “(2A) As respects the area of any National Park for which a National Park authority is the local planning authority those functions shall be exercised by that authority.”
- (d) in paragraph 20(4)—
- (i) [^{F8}in paragraph (a), for “outside a metropolitan county” there shall be substituted “ which is land in an area the local planning authority for which comprises both a county planning authority and a district planning authority ”; and]
- (ii) in paragraph (b), for “elsewhere” there shall be substituted “ [^{F8}other] land in an area the local planning authority for which comprises both a county planning authority and a district planning authority ”.

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- (15) In paragraph 4(5)(b) of Schedule 8 to that Act (which refers to directions under section 90(1) of that Act), after “local authority” there shall be inserted “ National Park authority ”.
- (16) In Schedule 13 to that Act (blighted land), in paragraph 1(a)(i), after “local authority” there shall be inserted “ National Park authority ”.
- (17) In Schedule 14 to that Act (procedure for footpaths and bridleways orders)—
- (a) after paragraph 1(2)(b)(ii) (persons on whom notice served) there shall be inserted the following sub-paragraph—
 - “(ia) any National Park authority for a National Park which includes any of that land; and”;
 - (b) in paragraph 1(6) (cases where owner, occupier or lessee is local authority), after “local authority” there shall be inserted “ National Park authority ”; and
 - (c) in paragraph 3(2) (local inquiry to be held if objection by local authority), after “local authority” there shall be inserted “ or a National Park authority ”.
- (18) So much of any provision of this paragraph as amends an enactment repealed by this Act shall cease to have effect with the coming into force of the repeal.

Textual Amendments

- F8** Words in [Sch. 10 para. 32\(3\)\(14\)\(a\)\(c\)\(d\)](#) ceased to have effect (1.4.1997) by virtue of [1995 c. 25, s. 78, Sch. 10 para. 32\(18\)](#) (with [ss. 7\(6\), 115, 117](#)); [S.I. 1996/2560, art. 2, Sch.](#)

Commencement Information

- I27** [Sch. 10 para. 32](#) wholly in force at 1.4.1997; [Sch. 10 para. 32](#) not in force at Royal Assent see [s. 125\(3\)](#); [Sch. 10 para. 32\(1\)-\(13\)\(15\)-\(18\)](#) in force at 23.11.1995 by [S.I. 1995/2950, art. 2\(1\)](#) (subject to [art. 2\(2\)](#)); [Sch. 10 para. 32\(14\)](#) in force at 1.4.1997 by [S.I. 1996/2560, art. 2](#)

The Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 33 (1) The Planning (Listed Buildings and Conservation Areas) Act 1990 shall be amended as follows.
- (2) In section 32 (purchase notice), after subsection (4) there shall be inserted the following subsection—
- “(4A) This section and sections 33 to 37 shall have effect as if—
- (a) the bodies on whom a listed building purchase notice may be served under this section included any National Park authority which is the local planning authority for the area in which the building and land in question are situated; and
 - (b) a National Park authority were a local authority for the purposes of this Act and the Park for which it is the local planning authority were its area;
- and the references in those sections and in section 63(7)(a) to a council and to a local authority shall be construed accordingly.”
- (3) In subsection (3) of section 79 (definition of “local authority” for the purposes of town scheme agreements), after paragraph (c) there shall be inserted the following paragraph—

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- “(ca) in relation to any building in a National Park for which a National Park authority is the local planning authority, that authority;”.
- (4) In section 93(1)(a) (regulations as to form of notice etc.), after “local authority” there shall be inserted “ or National Park authority ”.
- (5) In paragraph 4 of Schedule 2, after sub-paragraph (3) (expenses of various persons and bodies with respect to listed building enforcement) there shall be inserted the following sub-paragraph—
- “(4) The reference to a local authority in sub-paragraph (3) above includes a reference to any National Park authority which is the local planning authority for any area.”
- (6) In paragraph 2 of Schedule 4 (provision as to exercise of functions by different authorities), after “4” there shall be inserted “ 4A ”.
- (7) In paragraph 3 of Schedule 4—
- (a) after “determined by a” there shall be inserted “ National Park authority or ”; and
- (b) in sub-paragraph (a), before “the district planning authority” there shall be inserted “ any authority which (but for section 4A) would be or, as the case may be, which is ”;
- (c) in sub-paragraph (b), for “the district planning” there shall be substituted “ any such ”.
- (8) In paragraph 4 of Schedule 4—
- (a) in sub-paragraph (1)—
- (i) in paragraph (a), after “a metropolitan county” there shall be inserted “ or in any National Park for which a National Park authority is the local planning authority ”; and
- (ii) in paragraph (b), for “outside a metropolitan county” there shall be substituted “ to which paragraph (a) above does not apply ”; and
- (b) in sub-paragraph (2), after “county planning authority” there shall be inserted “ or National Park authority ”.

Commencement Information

I28 Sch. 10 para. 33 wholly in force at 1.4.1997; Sch. 10 para. 33 not in force at Royal Assent see s. 125(3); Sch. 10 para. 33(1)-(5) in force at 23.11.1995 by S.I. 1995/2950, art. 2(1) (subject to art. 2(2)); Sch. 10 para. 33(6)-(8) in force at 1.4.1997 by S.I. 1996/2560, art. 2

Water consolidation legislation

- 34 (1) The references to a National Park authority in the following provisions (which impose environmental duties), that is to say—
- (a) section 4 of the ^{M10}Water Industry Act 1991,
- (b) ^{F9} . . . and
- (c) section 61C of the ^{M11}Land Drainage Act 1991,
- shall have effect, until the coming into force of the repeal by this Act of the definition for the purposes of those provisions of the expression “National Park authority”, as

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if they included references to a National Park authority established under Part III of this Act which has become the local planning authority for the National Park in question; and thereafter those references shall have effect as if they were references to a National Park authority so established.

(2) The references to a National Park planning authority—

(a) in sections 34 and 45 of the ^{M12}Water Resources Act 1991 (regulations with respect to notice to be given of particulars of certain licence applications), and

(b) in any regulations under those sections,

shall have effect, until the coming into force of the repeal by this Act of subsection (5) of section 34 of that Act, as if they included references to a National Park authority established under Part III of this Act which has become the local planning authority for the National Park in question; and thereafter those references shall have effect as if they were references to a National Park authority so established.

Textual Amendments

F9 Words in [Sch. 10 para. 34\(1\)\(b\)](#) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), [Sch. 24](#) (with [ss. 7\(6\)](#), [115](#), [117](#)); [S.I. 1996/2560, art. 2](#), [Sch.](#)

Commencement Information

I29 [Sch. 10 para. 34](#) wholly in force at 23.11.1995, see [s. 125\(3\)](#) and [S.I. 1995/2950, art. 2\(1\)](#) (subject to [art. 2\(2\)](#))

Marginal Citations

M10 [1991 c. 56](#).

M11 [1991 c. 59](#).

M12 [1991 c. 57](#).

The Local Government Finance Act 1992 (c. 14)

35 In section 35 of the Local Government Finance Act 1992 (definition of “special items”) in subsection (5) (expenses of a billing authority not to be special expenses if they are expenses of meeting a levy from a National Park planning board) paragraphs (a) and (b) shall be omitted and at the end of that subsection there shall be added the words “or

(c) a National Park authority in relation to a National Park in Wales.”

Commencement Information

I30 [Sch. 10 para. 35](#) wholly in force at 1.4.1997; [Sch. 10 para. 35](#) not in force at Royal Assent see [s. 125\(3\)](#); [Sch. 10 para. 35](#) in force for specified purposes at 23.11.1995 by [S.I. 1995/2950, art. 2\(1\)](#) (subject to [art. 2\(2\)](#)); [Sch. 10 para. 35](#) in force at 1.4.1997 insofar as not already in force by [S.I. 1996/2560, art. 2](#)

The Local Government (Overseas Assistance) Act 1993 (c. 25)

36 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (certain bodies on which powers are conferred by the Act), at the end there shall be added—

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- “(h) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M13}Town and Country Planning Act 1990.”

Commencement Information

I31 Sch. 10 para. 36 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

Marginal Citations

M13 1990 c. 8.

The Welsh Language Act 1993 (c. 38)

- 37 In section 6(1) of the Welsh Language Act 1993 (bodies which are public bodies for the purposes of the provisions of that Act about Welsh language schemes), after paragraph (c) there shall be inserted the following paragraph—
“(ca) a National Park authority;”.

Commencement Information

I32 Sch. 10 para. 37 wholly in force at 23.11.1995, see s. 125(3) and S.I. 1995/2950, art. 2(1) (subject to art. 2(2))

The Local Government (Wales) Act 1994 (c. 19)

- 38 (1) In Schedule 6 to the Local Government (Wales) Act 1994 (minor and consequential amendments relating to planning) in paragraph 1, at the beginning of the subsection which that paragraph substitutes for subsection (1) of section 184 of the 1972 Act, there shall be inserted the words “ Subject to section 68 of the Environment Act 1995 (planning authority functions under National Parks legislation to be functions of National Park authorities in certain cases), ”.
- (2) In paragraph 2 of that Schedule, for the words “paragraphs 3 to 14” there shall be substituted the words “ paragraphs 13 and 14 ”.

Commencement Information

I33 Sch. 10 para. 38 wholly in force at 1.4.1997; Sch. 10 para. 38 not in force at Royal Assent see s. 125(3); Sch. 10 para. 38(1) in force at 23.11.1995 by S.I. 1995/2950, art. 2(1) (subject to art. 2(2)); Sch. 10 para. 38(2) in force at 1.4.1997 by S.I. 1996/2560, art. 2

Status:

Point in time view as at 01/04/2001.

Changes to legislation:

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