

Status: Point in time view as at 01/09/2004.

Changes to legislation: Environment Act 1995, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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 7

Section 63.

NATIONAL PARK AUTHORITIES

Status and constitution of authorities

- 1 (1) A National Park authority shall be a body corporate.
- (2) A National Park authority shall consist of—
 - (a) such number of local authority members as may be specified in the relevant order; and
 - (b) such number of members to be appointed by the Secretary of State as may be so specified.
- (3) In the case of a National Park authority for a National Park in England, such number as may be specified in the relevant order of the number of members of the authority to be appointed by the Secretary of State shall be parish members.
- (4) The number specified in the relevant order for any National Park authority as the number of members of that authority who are to be appointed by the Secretary of State shall—
 - (a) as respects any National Park authority for a National Park in England, be two less than the number of local authority members specified in the order; and
 - (b) as respects any National Park authority for a National Park in Wales, be equal to half the number of local authority members specified in the order.
- (5) As respects any National Park authority for a National Park in England, the number specified in the relevant order as the number of parish members to be appointed by the Secretary of State shall be one less than one half of the total number of the members of the authority to be appointed by the Secretary of State.
- (6) Accordingly—
 - (a) in the case of a National Park authority for a National Park in England, the effect of the relevant order shall be such that the total number of members of the authority will be an even number which is not a whole number multiple of four; and
 - (b) in the case of a National Park authority for a National Park in Wales, the number of local authority members specified in the relevant order shall be an even number.

Local authority members

- 2 (1) The local authority members of a National Park authority shall be appointed by such of the councils for the principal areas wholly or partly comprised in the relevant Park as may be specified in or determined under the relevant order.

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- (2) Each of the councils who are to appoint the local authority members of a National Park authority shall be entitled to appoint such number of those members as may be so specified or determined and to make any appointment required by reason of a vacancy arising in respect of a member appointed by that council.
- (3) Before making any provision by the relevant order as to—
- (a) the number of members of a National Park authority who are to be local authority members,
 - (b) the councils by whom the local authority members of a National Park authority are to be appointed, or
 - (c) the number of members to be appointed by each such council,
- the Secretary of State shall consult the council for every principal area the whole or any part of which is comprised in the relevant Park; and the Secretary of State may make provision for excluding the council for any such area from the councils by whom the local authority members of a National Park authority are to be appointed only at the request of that council.
- (4) A person shall not be appointed as a local authority member of a National Park authority unless he is a member of a principal council the area of which is wholly or partly comprised in the relevant Park; and, in appointing local authority members of a National Park authority, a principal council shall have regard to the desirability of appointing members of the council who represent wards, or (in Wales) electoral divisions, situated wholly or partly within the relevant Park.
- (5) Subject to the following provisions of this Schedule, where a person who qualifies for his appointment by virtue of his membership of any council is appointed as a local authority member of a National Park authority—
- (a) he shall hold office from the time of his appointment until he ceases to be a member of that council; but
 - (b) his appointment may, before any such cessation, be terminated for the purposes of, and in accordance with, sections 15 to 17 of the ^{M1}Local Government and Housing Act 1989 (political balance).
- (6) Sub-paragraph (5)(a) above shall have effect so as to terminate the term of office of a person who, on retiring from any council, immediately becomes such a member again as a newly elected councillor; but a person who so becomes a member again shall be eligible for re-appointment to the National Park authority.
- (7) The appointment of any person as a local authority member of a National Park authority may provide that he is not to be treated for the purposes of sub-paragraph (5) above as qualifying for his appointment by virtue of his membership of any council other than that specified in the appointment.
- (8) In paragraph 2(1) of Schedule 1 to the ^{M2}Local Government and Housing Act 1989 (bodies to which appointments have to be made taking account of political balance), after paragraph (b) there shall be inserted the following paragraph—
- “(ba) a National Park authority;”.

Modifications etc. (not altering text)

C1 Sch. 7 para. 2(6) extended (E.) (6.5.2002) by S.I. 2002/975, art. 2(c)

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Marginal Citations

M1 1989 c. 42.

M2 1989 c. 42.

Parish members of English National Park authorities

- 3 (1) The parish members of an English National Park authority shall be appointed by the Secretary of State.
- (2) A person shall not be appointed as a parish member of an English National Park authority unless he is—
- (a) a member of the parish council for a parish the whole or any part of which is comprised in the relevant Park; or
 - (b) the chairman of the parish meeting of a parish—
 - (i) which does not have a separate parish council; and
 - (ii) the whole or any part of which is comprised in the relevant Park.
- (3) Subject to the following provisions of this Schedule, where a person who qualifies for his appointment by virtue of his membership of a parish council is appointed as a parish member of an English National Park authority, he shall hold office from the time of his appointment until he ceases to be a member of that parish council.
- (4) Sub-paragraph (3) above shall have effect so as to terminate the term of office of a person who on retiring from any parish council immediately becomes such a member again as a newly elected councillor; but a person who so becomes a member again shall be eligible for re-appointment to the National Park authority.
- (5) Subject to the following provisions of this Schedule, where a person who qualifies for his appointment by virtue of his being the chairman of a parish meeting is appointed as a parish member of an English National Park authority, he shall hold office from the time of his appointment until he ceases to be the chairman of that parish meeting.
- (6) Sub-paragraph (5) above shall have effect so as to terminate the term of office of a person who is elected to succeed himself as chairman of any parish meeting; but a person who so becomes the chairman again shall be eligible for re-appointment to the National Park authority.
- (7) Subject to the provisions of this Schedule, a parish member of an English National Park authority shall hold office in accordance with the terms of his appointment.
- (8) In this paragraph, “English National Park authority” means a National Park authority for a National Park in England.

Members (other than parish members) appointed by the Secretary of State

- 4 (1) Before appointing any person as a member of a National Park authority the Secretary of State shall consult, according to whether the relevant Park is in England or in Wales, either the [F1Countryside Agency] or the Countryside Council for Wales.
- (2) Subject to the following provisions of this Schedule, a person appointed as a member of a National Park authority by the Secretary of State—
- (a) shall hold office for such period of not less than one year nor more than three years as may be specified in the terms of his appointment; but

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- (b) on ceasing to hold office shall be eligible for re-appointment.
- (3) The term of office of a person appointed by the Secretary of State to fill such a vacancy in the membership of a National Park authority as occurs where a person appointed by the Secretary of State ceases to be a member of the authority before the end of his term of office may be for a period of less than one year if it is made to expire with the time when the term of office of the person in respect of whom the vacancy has arisen would have expired.
- (4) Subject to the provisions of this Schedule, a member of a National Park authority appointed by the Secretary of State shall hold office in accordance with the terms of his appointment.
- (5) This paragraph shall not apply to persons appointed as parish members of a National Park authority for a National Park in England or to their appointment as such members.

Textual Amendments

F1 Words in [Sch. 7 para. 4\(1\)](#) substituted (20.2.1999) by [S.I. 1999/416, art. 3, Sch. 1 para. 17\(6\)](#)

Chairman and deputy chairman

- 5 (1) The members of a National Park authority shall elect, from amongst their members, both a chairman and a deputy chairman of the authority.
- (2) Subject to sub-paragraphs (3) and (4) below, the chairman and deputy chairman of a National Park authority shall be elected for a period not exceeding one year; but a person so elected shall, on ceasing to hold office at the end of his term of office as chairman or deputy chairman, be eligible for re-election.
- (3) A person shall cease to hold office as chairman or deputy chairman of a National Park authority if he ceases to be a member of the authority.
- (4) Where a vacancy occurs in the office of chairman or deputy chairman of a National Park authority, it shall be the duty of the members of that authority to secure that that vacancy is filled as soon as possible.

Removal of members

- 6 (1) The Secretary of State may, by giving a local authority member of a National Park authority such written notice of the termination of his appointment as the Secretary of State considers appropriate, remove that member from office; but he shall do so only where he considers it appropriate to remove that member from office in consequence of the provisions of any order for varying either the area of the relevant Park or the number of local authority members of that authority .
- (2) The Secretary of State may remove from office any member of a National Park authority appointed by him, other than any parish member of a National Park authority for a National Park in England, either—
- (a) by giving that member three months' written notice of the termination of the appointment; or
 - (b) in such other manner as may be provided for in the terms of that member's appointment.

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- (3) The Secretary of State may remove from office any parish member of a National Park authority for a National Park in England either—
- (a) by giving that member such written notice of the termination of his appointment as the Secretary of State considers appropriate; or
 - (b) in such other manner as may be provided for in the terms of that member's appointment;
- but a parish member shall only be removed from office in the manner mentioned in paragraph (a) above where the Secretary of State considers it appropriate to do so in consequence of the provisions of any order for varying either the area of the relevant Park or the number of parish members of the National Park authority in question.

Disqualification of members

- 7 (1) A person is disqualified for becoming or remaining a member of a National Park authority if he holds any paid office or employment appointments to which are or may be made or confirmed by—
- (a) the authority itself or any council by whom a local authority member of the authority is appointed;
 - (b) any committee or sub-committee of the authority or of any such council;
 - (c) any joint committee on which the authority or any such council is represented;
 - (d) as respects a National Park authority for a National Park in England—
 - (i) any parish council for, or parish meeting of, a parish the whole or any part of which is comprised in the relevant Park;
 - (ii) any committee or sub-committee of any such parish council or any committee of any such parish meeting; or
 - (iii) any joint committee on which any such parish council or parish meeting is represented; or
 - (e) any person himself holding an office or employment which disqualifies him for becoming a member of the authority.
- (2) A person is also disqualified for becoming or remaining a member of a National Park authority if he holds any employment in a company which, in accordance with Part V of the ^{M3}Local Government and Housing Act 1989 other than section 73, is under the control of that authority.
- (3) Section 92 of the 1972 Act (proceedings for disqualification) shall have effect in relation to a person who acts or claims to be entitled to act as a member of a National Park authority as it applies in relation to a person who acts or claims to be entitled to act as a member of a local authority, but as if—
- (a) references in that section to a local government elector for the area concerned were references to a local government elector for any principal area the whole or any part of which is comprised in the relevant Park; and
 - (b) in subsection (6)(b) of that section (failure to deliver declaration of acceptance of office), the words from “of failure” to “or by reason” were omitted.
- (4) Sections 1 to 3 of the ^{M4}Local Government and Housing Act 1989 (disqualification of persons holding politically restricted posts) shall have effect as if a National Park authority were a local authority for the purposes of Part I of that Act.

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- (5) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), in the ^{M5}entry inserted by section 1(2) of that Act of 1989 (politically restricted post), after “that Part” there shall be inserted “ or a National Park authority ”.

Commencement Information

- I1** Sch. 7 para. 7 wholly in force at 1.4.1997; Sch. 7 para. 7(1)(3)-(5) in force at Royal Assent see s. 125(2); Sch. 7 para. 7(2) in force at 1.4.1997 by S.I. 1996/2560, **art. 2**

Marginal Citations

- M3** 1989 c. 42.
M4 1989 c. 42.
M5 1975 c. 24.

Vacation of office for failure to attend meetings

- 8 Section 85 of the 1972 Act (failure to attend meetings) shall have effect in relation to a National Park authority as it has effect in relation to a local authority.

Code of conduct for members

- 9 Section 31 of the ^{M6}Local Government and Housing Act 1989 (code of conduct for members of local authorities) shall have effect as if a National Park authority were a local authority for the purposes of that section.

Modifications etc. (not altering text)

- C2** Sch. 7 para. 9 excluded (*temp.* until 27.11.2002) by S.I. 2001/3577, **art. 3(1)(a)**
C3 Sch. 7 para. 9 disapplied by SI 2001/2289 art. 4 (as inserted (W.) (1.9.2004) by [The Conduct of Members \(Model Code of Conduct\) \(Wales\) \(Amendment\) \(No. 2\) Order 2004 \(S.I. 2004/1510\)](#), arts. 1(1), **3**)

Marginal Citations

- M6** 1989 c. 42.

Restrictions on voting on account of interests etc.

- 10 (1) Sections 94 to 98 of the 1972 Act (restrictions on voting) shall have effect in relation to meetings of a National Park authority as they have effect in relation to meetings of a local authority.
- (2) Section 19 of the ^{M7}Local Government and Housing Act 1989 (members’ interests) shall have effect as if a National Park authority were a local authority for the purposes of Part I of that Act.

Modifications etc. (not altering text)

- C4** Sch. 7 para. 10 excluded (*temp.* until 27.11.2002) by S.I. 2001/3577, **art. 3(1)(a)**
C5 Sch. 7 para. 10 disapplied by SI 2001/2289 art. 4 (as inserted (W.) (1.9.2004) by [The Conduct of Members \(Model Code of Conduct\) \(Wales\) \(Amendment\) \(No. 2\) Order 2004 \(S.I. 2004/1510\)](#), arts. 1(1), **3**)

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Marginal Citations

M7 1989 c. 42.

Allowances and time off for members

- 11 (1) A National Park authority shall be a body to which sections 174 to 176 of the 1972 Act (allowances for travelling, conferences and visits) shall apply and shall also be deemed to be a relevant authority for the purposes of section 18 of the ^{M8}Local Government and Housing Act 1989 (basic attendance and special responsibility allowances).
- (2) For the purposes of sub-paragraph (1) above references in section 18 of that Act of 1989 to a member of an authority who is a councillor shall be deemed, in relation to a National Park authority, to include references to a member of that authority who is appointed as such a member by the Secretary of State.
- (3) ^{F2}...section 10 of that Act of 1989 (limit on paid leave for local authority duties) shall have effect as if a National Park authority were a relevant council for the purposes of that section.

Textual Amendments

F2 Words in Sch. 7 para. 11(3) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Marginal Citations

M8 1989 c. 42.

Meetings and proceedings of the authority

- 12 (1) The following provisions, that is to say—
- (a) the provisions of Part VI of Schedule 12 to the 1972 Act (proceedings and meetings of local authorities) and of section 99 of that Act so far as it relates to that Part of that Schedule; and
 - (b) the provisions of section 100 of that Act (admission of the public and press), shall have effect as if a National Park authority were a local authority for the purposes of those provisions.
- (2) In section 100J of the 1972 Act (bodies in addition to principal councils to which provisions as to access to meetings etc. apply)—
- (a) in subsection (1), after paragraph (cc) there shall be inserted the following paragraph—
 - “(cd) a National Park authority;”
 - (b) in subsection (3), after “(cc)” there shall be inserted “(cd)”; and
 - (c) in subsection (4)(aa)—
 - (i) after “Navigation Committee” there shall be inserted “ or any National Park authority ”; and
 - (ii) for “body which” there shall be substituted “ person who ”.

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- (3) Section 20 of the ^{M9}Local Government and Housing Act 1989 (power to require adoption of certain procedural standing orders) shall have effect as if a National Park authority were a relevant authority for the purposes of that section.
- (4) The validity of any proceedings of a National Park authority shall not be affected by a vacancy amongst its members, by any defect in the appointment of a member of the authority or by the want of qualification, or the disqualification, of any such member.

Marginal Citations

M9 1989 c. 42.

Committees and sub-committees and officers

- 13 (1) Sections 101 to 106 of the 1972 Act (arrangements for committees and sub-committees) shall have effect as if a National Park authority were a local authority for the purposes of those sections.
- (2) Accordingly, section 13 of the ^{M10}Local Government and Housing Act 1989 (voting rights of members of certain committees) shall have effect as if a National Park authority were a relevant authority for the purposes of that section.
- (3) It shall be the duty of a National Park authority, in relation to any committee or sub-committee to which this sub-paragraph applies, to secure—
- (a) that the membership of the committee or sub-committee consists of or includes both local authority members of the authority and at least one member appointed to the authority by the Secretary of State;
 - (b) that the division of members of the authority who are members of the committee or sub-committee between—
 - (i) local authority members, and
 - (ii) members appointed to the authority by the Secretary of State,
 is (as nearly as possible using whole numbers) in the same proportions as required, by virtue of paragraph 1(2) above, in the case of the authority itself; and
 - (c) that the quorum of the committee or sub-committee includes at least one local authority member of the authority and at least one member appointed to the authority by the Secretary of State.
- (4) Sub-paragraph (3) above applies in the case of any National Park authority to the following committees and sub-committees, except those appointed under section 102(4) or (4A) of the 1972 Act (advisory committees), that is to say—
- (a) any committee or sub-committee of the authority;
 - (b) any joint committee on which the authority is represented; and
 - (c) any sub-committee of such a joint committee.
- (5) The proceedings of a committee or sub-committee to which sub-paragraph (3) above applies shall not be invalidated by any failure of a National Park authority to perform its duty under that sub-paragraph.
- (6) The provisions of sections 112 to 119 and 151 of the 1972 Act (staff of local authorities) and of section 30 of the ^{M11}Local Government (Miscellaneous

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Provisions) Act 1976 (power to forgo repayment of remuneration) shall have effect as if a National Park authority were a local authority for the purposes of those provisions.

(7) The following provisions of the ^{M12}Local Government and Housing Act 1989 shall apply in relation to a National Park authority as they apply in relation to the authorities which are relevant authorities for the purposes of those provisions, that is to say—

- (a) section 4 (designation and reports of head of paid service);
- (b) section 5 (designation and reports of monitoring officer); and
- (c) with the omission of subsection (4)(d) (assistants for political groups), section 8 (standing orders with respect to staff);

and section 7 of that Act (staff to be appointed on merit) shall apply to any appointment to paid office or employment under a National Park authority as it applies to an appointment to paid office or employment under a body which is a local authority for the purposes of Part I of that Act.

(8) Section 12 of that Act of 1989 (conflict of interest in staff negotiations) shall have effect as if references in that section to a local authority included references to a National Park authority.

Marginal Citations

M10 1989 c. 42.

M11 1976 c. 57.

M12 1989 c. 42.

National Park Officer

- 14 (1) Every National Park authority for a National Park shall secure that there is at all times an officer appointed by that authority to be responsible to the authority for the manner in which the carrying out of its different functions is co-ordinated.
- (2) For the purposes of this paragraph a National Park authority may adopt—
- (a) any appointment which an existing authority has made under paragraph 15 of Schedule 17 to the 1972 Act in relation to any area wholly or partly comprised in the relevant Park; or
 - (b) if the relevant Park is in Wales, any appointment—
 - (i) which was made under that paragraph in relation to any such area, and
 - (ii) which was adopted by a National Park planning board, as defined in section 64 of this Act, by virtue of an order under paragraph 3A of Schedule 17 to the 1972 Act or section 2(1B) of the ^{M13}Town and Country Planning Act 1990.
- (3) Before making or adopting an appointment under this paragraph or assigning additional responsibilities to a person holding such an appointment, a National Park authority shall consult, according to whether the Park in question is in England or in Wales, either the [^{F3}Countryside Agency] or the Countryside Council for Wales.
- (4) Sub-paragraph (3) above shall not apply in relation to the adoption of an appointment under this paragraph in relation to a National Park in Wales in any case where—

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- (a) the National Park authority in question is the National Park authority in relation to that National Park by virtue of an order under section 63 of this Act made by virtue of section 64(1) of this Act;
 - (b) the appointment in question was made or adopted by the body corporate which has so become that National Park authority, but in its capacity as the National Park planning board, as defined in section 64 of this Act, for the area of the National Park in question; and
 - (c) no additional responsibilities are, on the occasion of the adoption of the appointment, to be assigned to the person holding the appointment.
- (5) A person who holds office with a National Park authority by virtue of an appointment made or adopted under this paragraph—
- (a) may at the same time hold the office of head of that authority’s paid service, the office of monitoring officer in relation to that authority or both those offices; but
 - (b) shall not at the same time be that authority’s chief finance officer (within the meaning of section 5 of the ^{M14}Local Government and Housing Act 1989) or hold any office under any principal council.
- (6) An officer holding office with a National Park authority by virtue of an appointment made or adopted under this paragraph shall be known as a National Park officer.

Textual Amendments

F3 Words in [Sch. 7 para. 14\(3\)](#) substituted (20.2.1999) by [S.I. 1999/416, art. 3, Sch. 1 para. 17\(6\)](#)

Marginal Citations

M13 [1990 c. 8.](#)

M14 [1989 c. 42.](#)

Personal liability of members and officers

- 15 Section 265 of the ^{M15}Public Health Act 1875 (personal liability of members and officers of certain authorities) shall have effect as if—
- (a) a National Park authority were an authority such as is mentioned in that section;
 - (b) the references in that section to a member of the authority included, in relation to a National Park authority, references to any person who is not such a member but for the time being serves as a member of a committee or sub-committee of such an authority;
 - (c) the references in that section to the purpose of executing that Act and to the purposes of that Act were each, in relation to a National Park authority, references to the purpose of carrying out the functions of that authority by virtue of Part III of this Act; and
 - (d) the words “or rate” were omitted.

Marginal Citations

M15 [1875 c. 55.](#)

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Liaison with parish and community councils

- 16 A National Park authority shall make arrangements—
- (a) in the case of a National Park in England, with each parish council the area of which is comprised wholly or partly within the Park, or
 - (b) in the case of a National Park in Wales, with each community council the area of which is so comprised,
- for the purpose of informing and consulting that council about the authority's discharge of its functions.

Documents, notices, records, byelaws etc.

- 17 (1) The ^{M16}Local Government (Records) Act 1962 shall have effect in relation to a National Park authority as if that authority were a local authority for the purposes of that Act.
- (2) Subject to sub-paragraph (3) below, the following provisions of the 1972 Act, that is to say—
- (a) sections 224 and 225(1) (custody and deposit of documents with a proper officer of the local authority),
 - (b) sections 228 and 229 (inspection of documents and photocopies),
 - (c) section 230 (reports and returns),
 - (d) sections 231 to 234 (service and authentication of documents), and
 - (e) without prejudice to their application by virtue of any other provision of Part III of this Act, sections 236 to 238 (byelaws),
- shall have effect as if for the purposes of those provisions a National Park authority were a local authority or, in the case of section 224, a principal council.
- (3) References in section 228 of the 1972 Act to a local government elector shall have effect for the purposes of that section as applied by sub-paragraph (2) above as if, in relation to a National Park authority, they were references to a local government elector for any principal area the whole or any part of which is comprised in the relevant Park.
- (4) Section 41 of the ^{M17}Local Government (Miscellaneous Provisions) Act 1976 (evidence of resolutions and minutes of proceedings) shall have effect as if a National Park authority were a local authority for the purposes of that Act.
- (5) Where a National Park authority has made any byelaws and those byelaws have been confirmed, that authority shall send a copy of the byelaws as confirmed to every council for a principal area the whole or any part of which is comprised in the relevant Park.

Marginal Citations

M16 1962 c. 56.

M17 1976 c. 57.

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Investigation in connection with maladministration etc.

- 18 (1) In section 25(1) of the ^{M18}Local Government Act 1974 (bodies subject to investigation under Part III of that Act), after paragraph (aa) there shall be inserted the following paragraph—
- “(ab) a National Park authority;”.
- (2) In section 26(7) of that Act (no investigation where complaint relates to all or most of the inhabitants of an area), before paragraph (a) there shall be inserted the following paragraph—
- “(aa) where the complaint relates to a National Park authority, the area of the Park for which it is such an authority;”.
- (3) In section 34(1) of that Act (interpretation), in the definition of “member”, after “the joint board” there shall be inserted “ and in relation to a National Park authority, includes a member of any of the councils by whom a local authority member of the authority is appointed ”.

Marginal Citations

M18 1974 c. 7.

Audit by Audit Commission auditor etc.

F4¹⁹

Textual Amendments

F4 Sch. 7 para. 19 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

Meaning of “relevant order”

- 20 In this Schedule “the relevant order”, in relation to a National Park authority, means—
- (a) the order under section 63 of this Act establishing that authority;
 - (b) any order under that section relating to that authority; or
 - (c) any order made in relation to that authority in exercise of the power to amend an order under that section.

Status:

Point in time view as at 01/09/2004.

Changes to legislation:

Environment Act 1995, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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.