

Status: Point in time view as at 12/11/2014.

Changes to legislation: Environment Act 1995, SCHEDULE 9 is up to date with all changes known to be in force on or before 01 July 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 9

Section 70.

MISCELLANEOUS STATUTORY FUNCTIONS OF NATIONAL PARK AUTHORITIES

Common land etc.

- 1 (1) The enactments specified in sub-paragraph (2) below shall have effect in relation to any registered common which—
- (a) is within any National Park for which a National Park authority is the local planning authority, and
 - (b) is not owned by, or vested in, any other body which is a local authority,
- as if the National Park authority were a local authority for the purposes of those enactments and as if the relevant Park were that authority’s area.
- (2) The enactments mentioned in sub-paragraph (1) above are—
- (a) section 1 of the ^{M1}Commons Act 1899 (scheme for regulation);
 - ^{F1}(b)
 - (c) section 23 of and Schedule 2 to the ^{M2}Caravan Sites and Control of Development Act 1960 (power of district council to prohibit caravans on commons) [^{F2}or section 57 of and Schedule 3 to the Mobile Homes (Wales) Act 2013 (power of local authority in Wales to prohibit caravans on commons)] ; and
 - (d) [^{F3}section 45 of the Commons Act 2006] (protection of unclaimed common land).
- (3) In the ^{M3}Commons Act 1899 references to the council by which a scheme is made under section 1 of that Act shall be construed accordingly; and the powers conferred by sections 7 and 12 of that Act (acquisition of land and contributions to expenses) shall be exercisable by a National Park authority in relation to the relevant Park as they are exercisable by a district council in relation to their district.
- (4) A National Park authority shall have the same power to make an application under section 18 of the ^{M4}Commons Act 1899 (modification of provisions for recreation grounds) as a local authority.
- (5) References in this paragraph, in relation to an enactment specified in sub-paragraph (2) above or to any enactment contained in section 18 of the Commons Act 1899, to a local authority are references to any such local authority, within the ^{M5}meaning of the 1972 Act, as has functions conferred on it by or by virtue of that enactment.
- (6) In this paragraph “registered common” means any land registered as common land or as a town or village green under [^{F4}Part 1 of the Commons Act 2006].

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Textual Amendments

- F1** Sch. 9 para. 1(2)(b) repealed (1.10.2007 for E.) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 6 Pt. 2](#) (with s. 60); [S.I. 2007/2584](#), art. 2(d)(ii)
- F2** Words in Sch. 9 para. 1(2)(c) inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 8\(2\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F3** Words in Sch. 9 para. 1(2)(d) substituted (20.2.2007 for E., 6.9.2007 for W.) by [Commons Act 2006 \(c. 26\)](#), s. 56, Sch. 5 para. 6(a) (with s. 60); [S.I. 2007/456](#), art. 2(a)(ii); [S.I. 2007/2386](#), art. 3(o)(ii)
- F4** Words in [Sch. 9 para. 1\(6\)](#) substituted (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes) by [Commons Act 2006 \(c. 26\)](#), s. 56, [Sch. 5 para. 6\(b\)](#) (with s. 60); [S.I. 2011/2460](#), art. 2(b); [S.I. 2014/3026](#), art. 3(1)(h) (with art. 5)

Marginal Citations

- M1** 1899 c. 30.
M2 1960 c. 62.
M3 1899 c. 30.
M4 1899 c. 30.
M5 1899 c. 30.

Open spaces

- 2 The ^{M6}Open Spaces Act 1906 shall have effect as if references in that Act to a local authority included references to a National Park authority.

Marginal Citations

- M6** 1906 c. 25.

Nature reserves

- 3 Sections 21 and 22 of the National Parks and Access to the ^{M7}Countryside Act 1949 (establishment of nature reserves and application of enactments to local authority reserves) shall have effect as if the bodies on whom powers are conferred by section 21 of that Act included every National Park authority and as if the relevant Park were the authority's area; and references in those sections to a local authority and to their area shall be construed accordingly.

Marginal Citations

- M7** 1949 c. 97.

Caravan sites

- 4 In the ^{M8}Caravan Sites and Control of Development Act 1960—
- (a) section 24 (power to provide sites for caravans), and
 - (b) paragraph 11 of Schedule 1 to that Act (no licence required for land occupied by a local authority),

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shall have effect as if a National Park authority were a local authority for the purposes of that Act and as if the relevant Park were that authority's area.

Marginal Citations

M8 1960 c. 62.

[^{F5}4A In the Mobile Homes (Wales) Act 2013—
(a) section 56 (power of local authority to provide mobile home sites), and
(b) paragraph 11 of Schedule 1 (no site licence required by land owned by local authority),
shall have effect as if a National Park Authority were a local authority for the purposes of that Act and as if the relevant Park were that Authority's area.]

Textual Amendments

F5 Sch. 9 para. 4A inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 8\(3\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, art. 3(2))

Country Parks

5 The ^{M9}Countryside Act 1968 shall have effect as if a National Park authority were a local authority for the purposes of—
(a) sections 6 to 8 of that Act (country parks);
(b) section 9 of that Act (powers exercisable over or near common land); and
(c) section 41 of that Act (byelaws) in so far as it has the effect in relation to—
(i) any country park provided under section 7 of that Act, or
(ii) any land as respects which any powers under section 9 of that Act have been exercised,
of conferring powers on a local authority or of applying provisions of section 92 of the National Parks and Access to the ^{M10}Countryside Act 1949 (wardens);
and the references to a local authority in sections 43 to 45 of that Act of 1968 (general provisions as to the powers of local authorities) shall have effect accordingly.

Marginal Citations

M9 1968 c. 41.

M10 1949 c. 97.

Provision of information and encouragement of visitors

6 Sections 142 and 144 of the 1972 Act (provision of information about local services and encouragement of visitors) shall have effect (subject to paragraph 9 of Schedule 8 to this Act) as if a National Park authority were a local authority for the purposes of that Act and as if the relevant Park were the authority's area.

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Derelict land etc.

- 7 The provisions of section 16 of the ^{M11}Welsh Development Agency Act 1975 and of section 1 of the ^{M12}Derelict Land Act 1982 (powers for the improvement of land) shall have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if references in those provisions to a local authority included references to the National Park authority and as if the relevant Park were the authority's area.

Marginal Citations

M11 1982 c. 42.

M12 1975 c. 70.

Recreational facilities

- 8 Section 19 of the ^{M13}Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities) shall have effect as if the powers conferred by that section on local authorities were also conferred, so as to be exercisable within a National Park for which a National Park authority is the local planning authority, on that authority.

Marginal Citations

M13 1976 c. 57.

Refuse Disposal

- 9 (1) Subject to sub-paragraph (2) below, references to a local authority in the ^{M14}Refuse Disposal (Amenity) Act 1978 shall have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority's area.
- (2) Sub-paragraph (1) above shall not apply, in relation to any time before the coming into force of the repeal of section 1 of that Act, to any reference in that section.

Marginal Citations

M14 1978 c. 3.

Ancient Monuments and Archaeological Areas

- 10 (1) Subject to sub-paragraph (2) below, Parts I and II of the ^{M15}Ancient Monuments and Archaeological Areas Act 1979 shall have effect as if in relation—
- (a) to any monument in a National Park for which a National Park authority is the local planning authority, or
 - (b) to any area the whole or any part of which is comprised in such a Park,
- the references in those Parts to a local authority included references to that National Park authority.

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- (2) Section 35 of that Act (notice of operations affecting area of archaeological importance) shall have effect in relation to land in such a National Park as is mentioned in sub-paragraph (1) above as if—
- (a) any notice required to be served on a local authority under that section were required, instead, to be served on the National Park authority; and
 - (b) the functions conferred on a local authority by virtue of that section had been conferred instead on the National Park authority.
- (3) Section 45(2) and (3) of that Act (assistance for archaeological investigations) shall have effect as if a National Park authority were a local authority for the purposes of that Act and as if the relevant Park were the authority's area.

Marginal Citations

M15 1979 c. 46.

Footpaths and bridleways

- 11 M16 The following provisions of the Highways Act 1980, that is to say—
- (a) sections 25 to 29 (footpaths and bridleways),
 - (b) section 72(2) (widening of public paths),
 - [F6(c) sections 118 to 121E (stopping up and diversion of public paths, etc.), except sections 118B and 119B (stopping up and diversion for purposes of crime prevention, etc.), and]
 - (d) Schedule 6 (procedure for orders),
- shall have effect as if references in those sections to a local authority or council included references to a National Park authority and as if the relevant Park were the authority's area.

Textual Amendments

F6 Sch. 9 para. 11(c) substituted (12.2.2003 for E., 6.12.2006 for W.) by [Countryside and Rights of Way Act 2000 \(c. 37\), s. 103\(3\)](#), [Sch. 6 para. 26](#); S.I. 2003/272, art. 2(s); S.I. 2006/3257, art. 2(a)(ii)

Marginal Citations

M16 1980 c. 66.

Litter

- 12 The following provisions, that is to say—
- (a) section 4 of the M17 Litter Act 1983 (consultations and proposals for the abatement of litter), and
 - (b) section 88 of the M18 Environmental Protection Act 1990 (fixed penalty notices for leaving litter),
- shall have effect as if a National Park authority were a litter authority for the purposes of those provisions, as if the relevant Park were the authority's area and as if the reference in that section 4 to the authority's area were a reference to any part of the relevant Park.

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Marginal Citations

M17 1983 c. 35.

M18 1990 c. 43.

Listed and historic buildings

- 13 (1) In the case of a building situated in a National Park for which a National Park authority is the local planning authority, that authority and no other authority shall be the appropriate authority for the purposes of sections 47 to 51 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (purchase of listed buildings etc in need of repair); and the ^{M19}reference to a local authority in section 88(5) of that Act (rights of entry) and in section 6 of the ^{M20}Historic Buildings and Ancient Monuments Act 1953 (under which grants for the acquisition of buildings in Wales may be made) shall have effect accordingly.
- (2) In relation to any building or land in any such National Park, the powers conferred on a county council or county borough council by section 52 of that Act of 1990 (power to acquire building and land by agreement) shall be exercisable by the National Park authority, and not (without prejudice to their powers apart from that section) by any other authority; and subsection (2) of that section shall have effect accordingly.
- (3) Section 53(1) of that Act (management of listed buildings etc. acquired under the Act) shall apply in relation to the powers conferred by virtue of this paragraph on a National Park authority as it applies in relation to the powers conferred by sections 47 and 52 of that Act on a local authority.
- (4) That Act shall have effect as if a National Park authority were a local authority for the purposes of—
- (a) sections 54 and 55 of that Act (urgent works to preserve listed buildings etc.), and
 - (b) sections 57 and 58 of that Act (power of local authorities to contribute towards preservation of listed buildings etc.),
- and, in relation to those provisions, as if the relevant Park were the authority's area.
- (5) In relation to the powers conferred on a National Park authority by virtue of this paragraph, section 88 of that Act (powers of entry) shall have effect as if references in that section to a local authority included references to a National Park authority.
- (6) References to a local authority in section 90(1) to (4) of that Act (financial provisions) shall be deemed to include references to a National Park authority.

Marginal Citations

M19 1953 c. 49.

M20 1990 c. 9.

Hazardous substances

- 14 (1) For the purposes of the ^{M21}Planning (Hazardous Substances) Act 1990, where a National Park authority is the local planning authority for any National Park, that

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authority, and no other authority, shall be the hazardous substances authority for land in the relevant Park.

- (2) References to a local authority in sections 12 and 38(1) to (4) of that Act (government consent to local authority activities and financial provisions) shall be deemed to include references to a National Park authority.

Marginal Citations

M21 1990 c. 10.

Local Charities

- 15 [F7 Sections 294 to 297 of the Charities Act 2011] (local charities) shall have effect as if the references to a council for any area included references to a National Park authority and as if the relevant Park were the authority's area.

Textual Amendments

F7 Words in Sch. 9 para. 15 substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, [Sch. 7 para. 68](#) (with s. 20(2), [Sch. 8](#))

Overseas Assistance

- 16 The ^{M22}Local Government (Overseas Assistance) Act 1993 shall have effect as if a National Park authority were a local authority for the purposes of that Act.

Marginal Citations

M22 1993 c. 25.

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