
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is connected with the establishment in Wales, on 23rd November 1995, by virtue of the National Park Authorities (Wales) Order 1995 (S.I. 1995/2803), and in England, on 1st October 1996, by virtue of the National Park Authorities (England) Order 1996 (S.I. 1996/1243), of new National Park authorities under Part III of the Environment Act 1995 (“the 1995 Act”). Each new Welsh National Park Authority became the sole local planning authority for the area of its Park on 1st April 1996. Each new English National Park Authority becomes, with certain exceptions, the sole local planning authority for the area of its Park on 1st April 1997.

Article 2 of this Order brings into force on 1st April 1997 the following provisions of the 1995 Act—

section 78 (minor and consequential amendments relating to National Parks) insofar as it relates to paragraphs 10(2)(b), 22(2), (4)(c), (6) and (7), 27, 32(14) and 33(6) to (8), 35 (insofar as that paragraph is not already in force), and 38(2) of Schedule 10;

section 120(3) insofar as it relates to the repeal of the enactments mentioned in Schedule 24 to the 1995 Act (to the extent specified in the third column of that Schedule) and listed in column (1) of the Schedule to this Order, insofar as those repeals are not already in force, subject to the exceptions indicated in column (2); and

paragraph 7(2) of Schedule 7.

As regards the paragraphs of Schedule 10 which come into force on 1st April 1997—

paragraph 10(2)(b) amends section 184(1)(b) (functions under countryside legislation) of the Local Government Act 1972;

paragraph 22(2), (4)(c) and (6) amends section 41(5A) (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), section 44(4) (grants and loans for National Parks purposes) and section 52(2) (construction of references to a local planning authority) of the Wildlife and Countryside Act 1981;

paragraph 22(7), which repeals paragraph 22(1), is linked to the repeal (also by this Order) of section 39(5)(a) of the Wildlife and Countryside Act 1981. (See also section 125(3) of the 1995 Act.)

paragraph 27 amends paragraph 43 of Schedule 3 (functions of the Broads Authority) to the Norfolk and Suffolk Broads Act 1988;

paragraph 32(14) amends Schedule 1 (distribution of planning functions) to the Town and Country Planning Act 1990;

paragraph 33(6) to (8) amends paragraphs 2, 3 and 4 of Schedule 4 (provision as to exercise of functions by different authorities) to the Planning (Listed Buildings and Conservation Areas) Act 1990;

paragraph 35 amends section 35 (definition of “special items”) of the Local Government Finance Act 1992 (a relevant amendment was made by the Local Government (Wales) Act 1994 (c. 14), Schedule 12, paragraph 6), and is of relevance only to Wales; and

paragraph 38(2) amends paragraph 2 of Schedule 6 (minor and consequential amendments relating to planning) to the Local Government (Wales) Act 1994.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph 7(2) of Schedule 7 to the 1995 Act disqualifies a person from membership of a National Park authority if he holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of that authority.

The repeals in Schedule 24 to the 1995 Act brought into force by this Order are consequential on the establishment of, and exercise of functions by, the new National Park authorities.

Article 3 of the Order revokes, with effect from 1st April 1997, article 3(2) of the Environment Act 1995 (Commencement No. 4 and Saving Provisions) Order 1995 (“the 1995 Order”), which made a saving for sections 42 and 51(2)(c) of the Wildlife and Countryside Act 1981 on the commencement of paragraph 22(3) and (5) of Schedule 10 to the 1995 Act. The saving will not be required after 31st March 1997. A consequential amendment is made to article 3(1) of the 1995 Order.