

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates an area, as shown on the map deposited in Parliament with the Order, as the Cairngorms National Park (article 3). The map annexed to and forming part of this note gives a general guide to the area affected by this Order.

It establishes, on the establishment date of 25th March 2003, a National Park Authority for the Park (articles 2 and 4). The constitution of the National Park Authority is set out in article 5, which provides for 5 members to be elected in a poll, 5 members to be appointed as local members and 10 members to be nominated by the local authorities detailed in the article.

Elections to the National Park Authority will be held on 13th March 2003 (article 6).

Article 7 deals with planning matters. The functions of planning authorities under the Town and County Planning (Scotland) Act 1997 in relation to local plans are transferred to and exercisable by the National Park Authority and in relation to enforcement and special controls are to be exercisable by the National Park Authority and the planning authority with effect from the operational date of 1st September 2003. In addition, the National Park Authority is able to call in for its own determination applications under planning legislation which raise a planning issue of general significance to the National Park aims. The Order requires the National Park Authority to establish a committee to exercise the planning functions conferred by this Order.

The power to make byelaws under section 121 of the Civic Government (Scotland) Act 1982 is conferred on and exercisable by the National Park Authority with effect from the operational date (article 8 and Schedule 2).

The Order provides for the first meeting of the National Park Authority (article 10), for the appointment of proper and monitoring officers (article 11) and for continuity of exercise of functions in respect of functions transferred from local authorities to the National Park Authority (article 12).

The Order requires local authorities to assist the National Park Authority in discharging any function transferred by the Order (article 13).

Articles 14 and 15 make transitional and consequential provisions.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 No. 1

