



# Environment Act 1995

## 1995 CHAPTER 25

### PART III

#### NATIONAL PARKS

##### *Finances of National Park authorities*

#### **71 National Park authorities to be levying bodies.**

- (1) A National Park authority shall have power in respect of every financial year beginning after the establishment of that authority to issue levies to the councils by whom the local authority members of that authority fall to be appointed.
- (2) Subject to the following provisions of this section, a levy issued by virtue of this section shall be issued in accordance with regulations under section 74 of the <sup>M1</sup>Local Government Finance Act 1988 (power to make regulations authorising a levying body to issue a levy); and, accordingly, a National Park authority shall be deemed to be a levying body within the meaning of that section.
- (3) Subject to any maximum specified in or determined in accordance with any regulations under that section 74, the amount of the levies issued by a National Park authority in respect of any financial year shall be equal to the sum by which the aggregate of the amounts specified in subsection (4) below is exceeded by the aggregate of the sums which it estimates it will require in respect of that year for the following purposes, that is to say—
  - (a) meeting the expenditure of the authority which will fall to be charged for that year to any revenue account;
  - (b) making such provision as may be appropriate for meeting contingencies the expenditure on which would fall to be so charged;
  - (c) securing the availability to the authority of adequate working balances on its revenue accounts; and
  - (d) providing the authority with the funds required for covering any deficit carried forward from a previous financial year in any revenue account.

*Status: Point in time view as at 03/12/2011.*

*Changes to legislation: Environment Act 1995, Cross Heading: Finances of National Park authorities 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)*

- (4) The amounts mentioned in subsection (3) above in relation to any financial year are—
- (a) any amounts to be received by the authority in respect of that year by way of grant under section 72 below;
  - (b) the authority's estimate of the amounts which are likely for that year to be credited to any revenue account in respect of sums payable to the authority for things done in the course of, or in connection with, the carrying out of its functions; and
  - (c) the authority's estimate of the amounts not falling within paragraph (a) or (b) above which apart from this section are, or are likely to be, available to it for that year for the purposes mentioned in subsection (3) above.
- (5) Where agreement as to the apportionment of the amount to be raised by a National Park authority in respect of any financial year by way of levies is entered into, before 1st December in the immediately preceding financial year, by all the authorities to whom the levies in respect of that year may be issued by that authority, that amount shall be apportioned between those authorities in accordance with the agreement, instead of in accordance with any provision made by virtue of that section 74.
- (6) Regulations under that section 74 may include provision for requiring an authority to anticipate a levy by virtue of this section when making any calculations which fall, for the financial year following that in which any National Park authority is established, to be made (whether originally or by way of substitute) under section [F131A or 42A (calculation of council tax requirement by authorities in England) or section 32 or 42 (calculation of budget requirement by authorities in Wales) of the Local Government Finance Act 1992.]
- (7) A National Park authority shall not by virtue of this section be a local authority within the meaning of the M2Town and Country Planning Act 1990.

#### Textual Amendments

- F1** Words in s. 71(6) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 7 para. 32](#); [S.I. 2011/2896](#), art. 2(i)

#### Marginal Citations

- M1** 1988 c. 41.  
**M2** 1990 c. 8.

## 72 National Park grant.

- (1) The Secretary of State may make grants to a National Park authority for such purposes, of such amounts and on such terms and conditions as he thinks fit.
- (2) Before determining the amount of any grant which he proposes to make to a National Park authority under this section, or the purpose for which it is to be made, the Secretary of State shall consult, according to whether the relevant Park is in England or in Wales, either [F2Natural England] or the Countryside Council for Wales.
- (3) The consent of the Treasury shall be required for the making of a grant under this section.

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#### Textual Amendments

- F2** Words in s. 72(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 144](#); S.I. 2006/2541, art. 2 (with Sch.)

### **F3** 73 Capital finances and borrowing.

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#### Textual Amendments

- F3** [S. 73](#) repealed (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, 1.4.2004 for E.) by [Local Government Act 2003](#) (c. 26), s. 128(6), [Sch. 8 Pt. 1](#); S.I. 2003/2938, art. 7(e)(vi) (with art. 8Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. 1

### **74 Validation of certain grants paid to local authorities in respect of expenditure relating to National Parks.**

- (1) No payment made for any year beginning on or after 1st April 1990 and ending on or before 31st March 1996 by the Secretary of State by way of grant to the council of a county or a metropolitan district in respect of the council's expenditure or estimated expenditure in connection with National Parks shall be regarded as made otherwise than under and in accordance with the relevant enactments by reason only of—
- (a) the aggregate amount of such grants for the year to such councils not having been duly prescribed;
  - (b) the method of determining the proportion of such aggregate amount payable to that council not having been duly prescribed; or
  - (c) payment of the grant being, or having been, made—
    - (i) otherwise than in accordance with an approved Rate Support Grant Report or such a Report as varied by an approved supplementary report for the year; or
    - (ii) without there being an approved Rate Support Grant Report for the year.
- (2) Any reference in this section to a payment by way of grant made under and in accordance with the relevant enactments is a reference to a payment of grant made under section 7 of the <sup>M3</sup>Local Government Act 1974 (supplementary grants towards expenditure with respect to National Parks) in accordance with the provisions of that section and those of section 60 or 61 of the <sup>M4</sup>Local Government, Planning and Land Act 1980 (rate support grant reports and supplementary reports) as they apply in relation to grants under the said section 7.
- (3) In this section—
- “approved Rate Support Grant Report” means a Rate Support Grant Report which has been laid before and approved by a resolution of the House of Commons;
  - “approved supplementary report” means a supplementary report which has been laid before and approved by a resolution of the House of Commons;
  - “duly prescribed” means prescribed by a Rate Support Grant Report or a supplementary report;

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“Rate Support Grant Report” means a Rate Support Grant Report made under section 60 of the Local Government, Planning and Land Act 1980;

“supplementary report” means a supplementary report made under section 61 of that Act; and

“year” means a period of 12 months beginning with 1st April.

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**Marginal Citations**

**M3** 1974 c. 7.

**M4** 1980 c. 65.

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