

Status: Point in time view as at 01/04/2015.

Changes to legislation: Environment Act 1995, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 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 8

Section 65.

SUPPLEMENTAL AND INCIDENTAL POWERS OF NATIONAL PARK AUTHORITIES

Powers in relation to land etc.

- 1 (1) Subject to sub-paragraph (2) below, the following provisions, that is to say—
- (a) sections 120, 122 and 123 of the 1972 Act (powers of local authorities to acquire and dispose of land), and
 - (b) sections 128 to 131 of that Act (general provisions in relation to land transactions),
- shall have effect as if, for the purposes of those provisions, a National Park authority were a principal council and the relevant Park were the authority's area.
- [^{F1}(1A) The reference in sub-paragraph (1) to section 123 of the 1972 Act is to be interpreted as a reference to that section as amended by section 2 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 in so far as that sub-paragraph applies to a National Park authority for a National Park in Wales.]
- (2) The following provisions of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976, that is to say—
- (a) section 13 (compulsory acquisition of rights over land),
 - (b) section 15 (survey of land for the purposes of compulsory purchase),
 - (c) section 16 (obtaining information about land), and
 - (d) section 29 (repayment of unclaimed compensation),
- shall apply in relation to a National Park authority as if the authority were a local authority for the purposes of that Act.
- (3) Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land) shall have effect as if references to a principal council included references to a National Park authority and as if the relevant Park were that authority's area; and for the purposes of this paragraph the ^{M2}reference in subsection (1) of that section to section 111 of the 1972 Act shall have effect as a reference to section 65 of this Act.
- (4) This paragraph shall be without prejudice to any power conferred on a National Park authority by virtue of paragraph 2 below.

Textual Amendments

- F1** Sch. 8 para. 1(1A) inserted (W.) (15.12.2010) by [Playing Fields \(Community Involvement in Disposal Decisions\) \(Wales\) Measure 2010 \(nawm 6\)](#), ss. 3(2), 5(2)

Marginal Citations

- M1** 1976 c. 57.

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M2 1982 c. 30.

- 2 (1) After section 244 of the ^{M3}Town and Country Planning Act 1990 (powers of joint planning boards) there shall be inserted the following section—

“244A Powers of National Park authorities under Part IX.

- (1) A National Park authority shall, on being authorised to do so by the Secretary of State, have the same power to acquire land compulsorily as the local authorities to whom section 226 applies have under that section.
- (2) A National Park authority shall have the same power to acquire land by agreement as the local authorities mentioned in subsection (1) of section 227 have under that subsection.
- (3) Sections 226(1) and (7), 227, 229, 230, 232, 233 and 235 to 242 shall apply with the necessary modifications as if a National Park authority were a local authority to which those sections applied and as if the Park in relation to which it carries out functions were the authority’s area.”
- (2) Every such reference in that Act to the acquisition or appropriation of land for planning purposes as falls to be construed in accordance with section 246 of that Act shall be taken (so far as it would not otherwise do so) to include a reference to an acquisition or appropriation of land under any power conferred by virtue of subparagraph (1) above.
- (3) The following provisions of that Act, that is to say—
 - (a) sections 251(1), 258(1), 260(1), 261, 271, 272 and 274 (extinguishing rights of way and other rights),
 - (b) sections 275 and 276 (extension and modification of functions of statutory undertakers), and
 - (c) section 324(6) (rights of entry),
 shall have effect as if a National Park authority were a local authority for the purposes of that Act.
- (4) The reference to a local authority in section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (which refers to the ^{M4} powers of a local authority under sections 232, 233 and 235(1) of the ^{M5}Town and Country Planning Act 1990) shall include a reference to a National Park authority.

Marginal Citations

M3 1990 c. 8.
M4 1990 c. 8.
M5 1990 c. 9.

Miscellaneous transactions and powers

- 3 (1) The following provisions of the 1972 Act shall also have effect as if a National Park authority were a principal council for the purposes of that Act and as if the relevant Park were the authority’s area, that is to say—
- (a) section 132 (use of premises);

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- (b) section 135 (contracts of local authorities);
 - (c) section 136 (contributions towards expenditure on concurrent functions);
 - (d) section 139 (acceptance of gifts of property);
 - (e) sections 140, 140A and 140C (insurance);
 - (f) section 143 (subscriptions to local government associations); and
 - (g) sections 222 and 223 (conduct of prosecutions and participation in other legal proceedings).
- (2) Section 38 of the ^{M6}Local Government (Miscellaneous Provisions) Act 1976 (use of spare capacity of local authority computers) shall have effect as if a National Park authority were a local authority for the purposes of that Act.
- (3) Section 41 of the ^{M7}Local Government (Miscellaneous Provisions) Act 1982 (lost property) shall have effect as if a National Park authority were a local authority for the purposes of that Act.
- (4) Section 45 of that Act of 1982 (arrangements under the ^{M8}Employment and Training Act 1973) shall have effect as if a National Park authority were a local authority to which that section applies.

Marginal Citations

M6 1976 c. 57.

M7 1982 c. 30.

M8 1973 c. 50.

Transfer of securities on alteration of area

- 4 Section 146 of the 1972 Act (transfer of securities on alteration of area) shall have effect as if a National Park authority were a local authority for the purposes of that Act and as if the reference in subsection (1)(b) of that section to an enactment similar to a provision of the 1972 Act included a reference to any provision of Part III of this Act.

The Local Authorities (Goods and Services) Act 1970

- 5 The ^{M9}Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) shall have effect as if a National Park authority were both a local authority and a public body for the purposes of that Act.

Marginal Citations

M9 1970 c. 39.

Power to execute works outside Park

- 6 Any power to execute works which is conferred on a National Park authority by virtue of Part III of this Act or any other enactment shall be taken, except in so far as the contrary intention appears, to include power, for the purposes of the carrying out of the authority's functions in relation to the relevant Park, to execute works of the relevant description outside, as well as inside, that Park.

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Power to promote Bills

- 7 (1) Section 239 of the 1972 Act (power of local authority to promote local or personal Bills) shall have effect in relation to a National Park authority as if it were a local authority for the purposes of that Act and as if the relevant Park were the authority’s area.
- (2) A National Park authority shall have no power by virtue of Part III of this Act to promote a Bill for—
 - (a) modifying the area of any National Park or any local government area;
 - (b) modifying the authority’s own constitution or that of any other National Park authority; or
 - (c) modifying the status or the electoral arrangements of any such local government area.
- (3) In sub-paragraph (2) above—
 - “electoral arrangements” means any electoral arrangements within the meaning of [F2Part 3 of the Local Democracy, Economic Development and Construction Act 2009] or any corresponding arrangements in relation to any area in Wales; and
 - “local government area” means [F3the area of any principal council (within the meaning of that Part) or parish council] or any area in Wales for which any council carries out functions of local government.

Textual Amendments

F2 Words in Sch. 8 para. 7(3) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 7\(2\)\(a\)](#); S.I. 2009/3318, art. 4(ff)

F3 Words in Sch. 8 para. 7(3) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 7\(2\)\(b\)](#); S.I. 2009/3318, art. 4(ff)

Competitive tendering etc.

- 8 (1) Part III of the ^{M10}Local Government, Planning and Land Act 1980 (direct labour organisations) shall have effect in relation to a National Park authority as if such an authority were a local authority for the purposes of that Part.
- (2) In section 1(1) of the ^{M11}Local Government Act 1988 (defined authorities for the purposes of the provisions of that Act relating to competition), after paragraph (a) there shall be inserted the following paragraph—
 - “(aa) a National Park authority;”.
- (3) In Schedule 2 to that Act of 1988 (bodies to which Part II of that Act applies), after the entry relating to the Broads Authority there shall be inserted— “ Any National Park authority ”.
- ^{F4}(4)
- ^{F5}(5)
- (6) References in sections 8 to 10 of the ^{M12}Local Government Act 1992 (competition) to any provisions of that Act of 1980 or of that Act of 1988 shall include references to those provisions as they have effect by virtue of this paragraph.

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Textual Amendments

- F4** Sch. 8 para. 8(4) repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3 para. 10(5)**; S.I. 2001/566, **art. 2** (subject to **art. 2(2)**)
- F5** Sch. 8 para. 8(5) repealed (18.11.2003 for E., 27.11.2003 for W.) by **Local Government Act 2003 (c. 26)**, s. 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, **art. 3(i)(vi)** (with **art. 8Sch.**); S.I. 2003/3034, **art. 2**, **Sch. 1 Pt. I**

Marginal Citations

- M10** 1980 c. 65.
M11 1988 c. 9.
M12 1992 c. 19.

Restrictions on publicity

- 9 Part II of the ^{M13}Local Government Act 1986 (restrictions on publicity) shall have effect as if a National Park authority were a local authority for the purposes of that Part.

Marginal Citations

- M13** 1986 c. 10.

Provisions applying in relation to companies in which authorities have interests

- 10 In section 67(3) of the ^{M14}Local Government and Housing Act 1989 (local authorities for the purposes of Part V of that Act), after paragraph (m) there shall be inserted the following paragraph—
“(ma) a National Park authority;”.

Marginal Citations

- M14** 1989 c. 42.

Provisions as to charges

- 11 In section 152(2) of that Act of 1989 (provisions as to charges), after paragraph (j) there shall be inserted the following paragraph—
“(ja) a National Park authority;”and section 151 of that Act (power to amend existing provisions as to charges) shall have effect as if references to an existing provision included references to any such provision as applied by Part III of this Act.

Service agency agreements

- 12 Section 25 of the ^{M15}Local Government (Wales) Act 1994 (service agency agreements) shall have effect as if a National Park authority for any National Park in Wales were a new principal council for the purposes of that section.

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Marginal Citations

M15 1994 c. 19.

Contracting out

^{F6}13

Textual Amendments

F6 Sch. 8 para. 13 repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007](#) (c. 28), ss. 239(4), 245(5), **Sch. 18 Pt. 19**; S.I. 2008/917, art. 2(1)(u) (with art. 6(6))

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