



Environment Act 1995

1995 CHAPTER 25

PART III

NATIONAL PARKS

Supplemental provisions

75 Powers to make orders

- (1) This section applies to every power of the Secretary of State under the preceding provisions of this Part to make an order.
- (2) The powers to which this section applies shall, in each case, be exercisable by statutory instrument; and, except in the case of a statutory instrument made by virtue of section 64 above which only—
 - (a) designates a date,
 - (b) specifies a time for the purposes of section 4A of the Town and Country Planning Act 1990,
 - (c) renames a body,
 - (d) makes provision under paragraph 2 of Schedule 7 to this Act—
 - (i) for excluding a council from the councils by whom the local authority members of a National Park authority are to be appointed, or
 - (ii) for so increasing the number of local authority members of a National Park authority to be appointed by any council as to secure that the number of local authority members of that authority remains unchanged notwithstanding any such exclusion of a council, or
 - (e) makes provision under section 63(2) above,any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The powers to which this section applies shall, in each case, include power to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks necessary or expedient.

Status: This is the original version (as it was originally enacted).

- (4) A power of the Secretary of State by an order under this Part to make incidental, supplemental, consequential or transitional provision shall include power for any incidental, supplemental, consequential or, as the case may be, transitional purpose—
- (a) to apply with or without modifications,
 - (b) to extend, exclude or modify, or
 - (c) to repeal or revoke with or without savings,
- any enactment or any instrument made under any enactment.
- (5) The provision that may be made for incidental, supplemental, consequential or transitional purposes in the case of any order under this Part which—
- (a) establishes a National Park authority or winds up the existing authority for any National Park, or
 - (b) otherwise has the effect of transferring functions from one person to another or of providing for functions to become exercisable concurrently by two or more persons or to cease to be so exercisable,
- shall include provision for the transfer of property, rights and liabilities from one person to another.
- (6) A power of the Secretary of State under this Part to provide by order for the transfer of any property, rights or liabilities, or to make transitional provision in connection with any such transfer or with any order by which functions become or cease to be exercisable by any authority, shall include power to provide, in particular—
- (a) for the management and custody of any transferred property (whether real or personal);
 - (b) for any liabilities transferred to include liabilities under any enactment;
 - (c) for legal proceedings commenced by or against any person to be continued by or against a person to whom property, rights or liabilities are transferred or, as the case may be, any authority by whom any functions are to become exercisable;
 - (d) for the transfer of staff, compensation for loss of office, pensions and other staffing matters; and
 - (e) for treating any person to whom a transfer of property, rights or liabilities is made or, as the case may be, by whom any functions are to become exercisable as, for some or all purposes, the same person in law as the person from whom the transfer is made or the authority by whom the functions have previously been exercisable.
- (7) The powers to which this section applies shall, in each case, include power to make different provision for different cases, including different provision for different areas or localities and for different authorities.
- (8) The powers to which this section applies shall be without prejudice to any powers conferred by Part II of the Local Government Act 1992 or any other enactment.
- (9) In this section “enactment” includes an enactment contained in an Act passed after this Act.