
STATUTORY INSTRUMENTS

1973 No. 2061

COUNTRYSIDE

The Peak Park Joint Planning Board Order 1973

Made - - - - - 6th December 1973

Coming into Operation 7th December 1973

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 241, 266 and 273(5) of, and Part I of Schedule 17 to, the Local Government Act 1972(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Peak Park Joint Planning Board Order 1973 and shall come into operation on 7th December 1973.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Local Government Act 1972;

“the Joint Board” means the Peak Park Planning Board, being the existing joint planning board for the Peak District National Park comprised in two or more existing countries;

“the Joint Planning Board” has the meaning assigned to it by article 3(1) of this order, and includes the body of persons to be appointed in accordance with article 3(2) of this order;

“the United District” means the area of the Peak District National Park described in the Peak District National Park (Designation) Confirmation Order 1951;

“constituent council” means the council of a new county in which any part of the United District is comprised.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Reconstitution of existing board

3.—(1) If immediately before 1st April 1974 the Joint Board is the existing joint planning board constituted by order under section 1 of the Town and

(a) 1972 c. 70.

(b) 1889 c. 63.

Country Planning Act 1971(a) for the United District, it shall be reconstituted as the Peak Park Joint Planning Board for the Peak District National Park (hereinafter called "the Joint Planning Board") for discharging the functions to which Part I of Schedule 17 to the Act applies.

(2) The Joint Planning Board shall consist of 33 members, 22 members of which (hereinafter called "the elective members") shall be appointed by the constituent councils, and 11 members of which (hereinafter called "the non-elective members") shall be persons appointed by the Secretary of State after consultation with the Countryside Commission.

(3) The elective members shall consist of:—

- 12 members to be appointed by the County Council of Derbyshire,
- 2 members to be appointed by the County Council of Greater Manchester,
- 2 members to be appointed by the County Council of South Yorkshire,
- 2 members to be appointed by the County Council of West Yorkshire,
- 2 members to be appointed by the County Council of Staffordshire, and
- 2 members to be appointed by the County Council of Cheshire.

(4) The Joint Planning Board shall be a body corporate, with perpetual succession and a common seal.

Application of certain provisions of the Act

4. For the purposes of their functions the provisions of the Act set out in Schedule 2 to this order are applied to the Joint Planning Board as follows:—

- (a) in any of those provisions other than sections 154 to 167 references to a local authority or to a principal council shall be construed as references to the Joint Planning Board and references to the area of a local authority or of a principal council shall be construed as references to the United District, and
- (b) the provisions of sections 154 to 167 shall apply to the Joint Planning Board as they apply to a county council or district council.

First appointment of members

5. Following the first appointment of all the members of the Joint Planning Board in accordance with the provisions of paragraphs (2) and (3) of article 3 hereof, the Secretary of State shall notify the constituent councils of the names of the non-elective members and the date of their appointment.

Tenure of office

6.—(1) The elective members first appointed shall retire from office on 31st May 1977 and thereafter each elective member shall retire on 31st May in each year which is the year of election of county councillors.

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The Peak Park Joint Planning Board Order 1973

CORRECTION

On page 1, in article 2(1), in the 5th line *for countries*
read counties

January 1974

LONDON: HER MAJESTY'S STATIONERY OFFICE

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(2) A non-elective member shall hold office for such period as the Secretary of State shall in accordance with paragraph 12 of Schedule 17 to the Act determine and upon such terms as may be laid down by the Secretary of State.

(3) Any member of the Joint Planning Board may resign his membership by sending to the proper officer of that Board notice in writing of his desire to do so.

(4) Upon a casual vacancy arising, the vacancy shall as soon as practicable be filled, in the case of an elective member, by the appointment of a new member by the constituent council in whose representation the vacancy arises, and in the case of a non-elective member, by the Secretary of State in accordance with the said paragraph 12 and in every case the person so appointed shall hold office during the remainder of the term of office of the person in whose place he is appointed.

(5) Sections 80, 81, 82, 85 and 86 of the Act (Disqualifications for election and holding office as member of local authority, validity of acts done by unqualified persons, vacation of offices by failure to attend meetings and declaration by local authority of vacancy in office in certain cases) shall apply to the elective members of the Joint Planning Board and sections 94 to 98 of the Act (Disability of members of authorities for voting on account of interest in contracts, etc., general notices and recording of disclosures for purposes of section 94, removal or exclusion of disability, etc., and interpretation of sections 95 and 97) shall apply to all members of that Board as if it were a local authority within the meaning of the Act.

Meetings and proceedings

7. The meetings and proceedings of the Joint Planning Board shall be conducted in accordance with the rules set forth in Schedule 1 to this order.

Appointment of officers

8.—(1) The Joint Planning Board shall, in addition to the appointment of a National Park Officer in accordance with the provisions of paragraph 15 of Schedule 17 to the Act, appoint such other officers and servants as they think necessary to enable them to discharge their functions.

(2) The Joint Planning Board may pay their officers and servants such reasonable remuneration as they deem expedient, and every officer and servant shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Joint Planning Board think fit.

(3) The Joint Planning Board may make arrangements with a constituent council or with a district council the whole or any part of whose area lies within the United District for the services of any officer or servant of such council to be placed at the disposal of the Joint Planning Board for such periods and on such terms (including terms as to payment) as may be agreed between the Joint Planning Board and the said constituent council or district council.

(4) Until such time as the Joint Planning Board may decide to make other arrangements the chief executive of the County Council of Derbyshire shall act as the secretary of the Joint Planning Board.

Financial and administrative provisions

9.—(1) Any expenses incurred by the Joint Planning Board before 1st April 1974 shall be defrayed by the Joint Board.

(2) The expenses of the Joint Planning Board on and after 1st April 1974 so far as they are not defrayed out of revenues of the Joint Planning Board other than precepts receivable in accordance with the provisions of this order shall be referred to as the “net expenses of the Joint Planning Board”. In this article the expression “expenses” includes the interest on, and provision for the repayment of, any borrowed moneys.

(3) The net expenses of the Joint Planning Board shall be apportioned by that Board and shared between the constituent councils on the basis that the County Council of Derbyshire shall pay 50%, the County Council of Greater Manchester 10%, the County Council of South Yorkshire 10%, the County Council of West Yorkshire 10%, the County Council of Staffordshire 10% and the County Council of Cheshire 10%.

(4) The Joint Planning Board may issue precepts to the constituent councils requiring payment of amounts apportioned to those councils under paragraph (3) above, and, subject to paragraph (5) below, each such constituent council shall pay, in accordance with any precepts so issued to it, the amount thereby demanded.

(5) The Joint Planning Board shall prepare, in such form as the Secretary of State may direct, a statement of the purpose to which the amount demanded by any precept is intended to be applied and shall send a copy of such statement with every precept to which it relates; and a constituent council shall not be under any obligation to pay the amount demanded by any such precept until it has received the said statement.

Power of borrowing

10.—(1) The Joint Planning Board may borrow temporarily, by way of overdraft or otherwise, such sums as they may require:—

(a) for the purpose of defraying expenses, pending the receipt of revenues receivable by them in respect of the period of account to which those expenses are chargeable and taken into account in their estimates made by them for that period;

(b) for the purpose of defraying, pending the raising of money for any purpose or class of purpose approved by the Secretary of State under paragraph (2) below, expenses intended to be defrayed by means of that money.

(2) The Joint Planning Board may borrow money for any purpose or class of purpose approved for the purposes of this paragraph by the Secretary of State and in accordance with any conditions subject to which the approval is given, provided that, where the Joint Planning Board borrows money under paragraph (1)(b) above and subsequently raises a loan under this paragraph, the loan shall, to the extent of the sum borrowed temporarily, be treated as having been raised at the time of the temporary borrowing.

(3) Subject as mentioned in paragraph (4) below, the provisions of paragraphs 2, 4, 7, 11, 12, 20 and 22 of Schedule 13 to the Act (Borrowing, Lending and Funds), shall apply to borrowing by the Joint Planning Board authorised by this article as they apply to borrowing by a local authority authorised by or under the Act or any other enactment.

(4) The following sub-paragraphs of the paragraphs mentioned in (3) above shall not apply or (as the case may be) shall apply as amended in manner following—

- (i) sub-paragraph (1)(b) to (e) of paragraph 2 shall not apply;
- (ii) sub-paragraph (1)(b) of paragraph 4 shall not apply;
- (iii) sub-paragraph (1) of paragraph 7 shall apply with the omission of the words “subject to paragraph 9(8) below”.

Annual reports and accounts

11.—(1) The Joint Planning Board shall, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report in respect of the preceding year, and shall at the same time send a copy of the report to the Countryside Commission and to every constituent council.

(2) Every report under this article shall be in such form and shall contain particulars with respect to such matters as the Secretary of State may direct.

(3) The accounts of the income and expenditure of the Joint Planning Board and of its officers shall be subject to audit by a district auditor or approved auditor.

(4) As soon as the accounts of the Joint Planning Board have been audited the Board shall send a copy of the accounts to the Secretary of State and shall at the same time send a copy to the Countryside Commission and every constituent council and a copy of the accounts shall be kept at the office of the Joint Planning Board and any person interested shall be entitled, without payment, to inspect and take copies of, or extracts from, the copy of the accounts.

Transfer of officers

12. Any person who immediately before 1st April 1974 is in the whole or part-time employment of the Joint Board, shall on that date be transferred to and become an employee of the Joint Planning Board.

Consequential and supplementary provision

13.—(1) Any of the following things done or treated by virtue of any order as having been done by or to or in relation to the Joint Board in connection with the discharge of any of their functions, that is to say—

any written agreement or other instrument in writing or any determination or declaration made or treated as made by that Board,

any notice or direction given or treated as given by or to that Board,

any licence, permission, consent, approval, exemption, dispensation or relaxation granted or treated as granted by or to that Board,

any application, proposal or objection made or treated as made by or to that Board,

any condition or requirement imposed or treated as imposed by or on that Board, or

any appeal allowed by or in favour of or against that Board shall, as from 1st April 1974, be treated as having been done by, to or in relation to the Joint Planning Board by whom those functions become exercisable on and after that date by or by virtue of the Act, and any such thing shall as from that date have effect as if any reference therein to the Joint Board by whom those functions were exercisable before that date were a reference to the Joint Planning Board by whom those functions become exercisable.

(2) Any cause of action or any proceedings by or against the Joint Board in existence on 1st April 1974 may be prosecuted and enforced by or against the Joint Planning Board.

Availability of information, etc.

14. The Joint Board shall, at the request of the Joint Planning Board, make available to the Joint Planning Board any information, records, maps, plans, surveys or other material in their possession relating to the exercise of their functions within the area of the United District.

SCHEDULE 1

Article 7

First meeting and annual meeting

1.—(1) The first meeting of the Joint Planning Board shall be convened by the chief executive of the County Council of Derbyshire as soon as practicable after the date of the notification mentioned in article 5 of this order at such place as may be fixed by him.

(2) That meeting shall be deemed to be the annual meeting of the Joint Planning Board in the year nineteen hundred and seventy-three.

(3) The Joint Planning Board may hold such further meetings before 1st April 1974 as may be necessary for the purpose of doing anything which by virtue of the Act may be done before that date.

(4) The Joint Planning Board shall in every year hold an annual meeting and in every year after 1973 at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.

(5) The first meeting held after 31st May in any year shall be the annual meeting.

Appointment of chairman

2.—(1) The Joint Planning Board shall at their annual meeting appoint one of their number to be chairman, who shall, unless he resigns his office or ceases to be a member of the Joint Planning Board, continue in office until immediately after the election of the chairman at the next annual meeting.

(2) The Joint Planning Board may at their annual meeting appoint one of their number to be vice-chairman who shall, unless he resigns his office or ceases to be a member of the Joint Planning Board, continue in office until immediately after the election of the vice-chairman at the next annual meeting.

Casual vacancies

3. On a casual vacancy occurring in the office of chairman or vice-chairman of the Joint Planning Board the vacancy shall be filled by the appointment by the Joint Planning Board of one of their number at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.

Conduct of meetings

4.—(1) At a meeting of the Joint Planning Board the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Joint Planning Board the vice-chairman, if present, shall preside.

(3) If both the chairman and the vice-chairman of the Joint Planning Board are absent such member of the Joint Planning Board as the members present shall choose shall preside.

Calling of meetings

5.—(1) The chairman of the Joint Planning Board or, if the office of chairman is vacant, the vice-chairman of the Joint Planning Board may call a meeting of the Joint Planning Board at any time.

(2) If the chairman, or the vice-chairman if the office of chairman is vacant, refuses to call a meeting of the Joint Planning Board after a requisition for that purpose, specifying the nature of the important or urgent business, signed by five members of the Joint Planning Board, has been presented to him, or if, without so refusing, the chairman or, as the case may be, the vice-chairman does not call a meeting within seven days after such requisition has been presented to him, any five members of the Joint Planning Board on that refusal or on the expiration of seven days as the case may be, may forthwith call a meeting of the Joint Planning Board.

(3) Three clear days at least before a meeting of the Joint Planning Board:—

(a) notice of the time and place of the intended meeting shall be published at the office of the Joint Planning Board and, where the meeting is called by members of the Joint Planning Board, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the Joint Planning Board shall be left at or sent by post to the usual place of residence of every member of the Joint Planning Board with a copy to the proper officer of every constituent council:

Provided that—

(a) want of service of the summons on any member of the Joint Planning Board shall not affect the validity of a meeting; and

(b) no business shall be transacted at a meeting called by members of the Joint Planning Board other than that specified in the notice thereof.

Quorum

6. No business shall be transacted at a meeting of the Joint Planning Board unless at least 11 members are present thereat.

Proceedings of meetings

7.—(1) A copy of the minutes of the proceedings at each meeting of the Joint Planning Board shall be sent to the proper officer of every constituent council within fourteen days after the date of the meeting.

(2) The mode of voting at meetings of the Joint Planning Board shall be by show of hands and on the requisition of any member of the Joint Planning Board, supported by four other members who signify their support by rising in their places, made before the vote on any question is taken, the voting shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

(3) The provisions of paragraphs 39 to 44 of Part VI of Schedule 12 to the Act shall apply to the Joint Planning Board as they apply to a local authority but with the substitution for references therein to any enactment and to the Act of references to this order.

SCHEDULE 2
PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 APPLIED BY ARTICLE 4

Section	Subject Matter
100	Admission of public and press to meetings.
111	Subsidiary powers.
113 to 119	Officers.
120, 122, 123, 128 to 131	Acquisition, appropriation and disposal of land.
135	Standing orders with respect to contracts.
136	Expenditure on concurrent functions.
139	Acceptance of gifts of property.
140	Insurance.
143	Subscriptions to local government associations.
144	Provision of facilities for encouragement of visitors and of conference and other facilities.
154 to 167	Accounts and audit.
222 and 223	Legal proceedings.
228 and 229	Inspection and copies of documents.
231 to 234	Service of notices and authentication.
238	Evidence of byelaws.
239	Local or personal Bills.

6th December 1973.

Geoffrey Rippon,
 Secretary of State for the Environment.