
STATUTORY INSTRUMENTS

1996 No. 1243

**COUNTRYSIDE
ENGLAND**

The National Park Authorities (England) Order 1996

<i>Made</i>	- - - -	<i>7th May 1996</i>
<i>Laid before Parliament</i>		<i>14th May 1996</i>
<i>Coming into force</i>	- -	<i>4th June 1996</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 241 and 266 of, and Part I of Schedule 17 to, the Local Government Act 1972⁽¹⁾, section 4A(1) of the Town and Country Planning Act 1990⁽²⁾, sections 63(1) and (2) and 75(3) to (7), and paragraphs 1(2) and (3) and 2(1) to (3) of Schedule 7 to the Environment Act 1995⁽³⁾, and after consultation with the council for every principal area the whole or any part of which is comprised in a National Park in England as required by paragraph 2(3) of that Schedule, 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 National Park Authorities (England) Order 1996 and shall come into force on 4th June 1996.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972;

“the 1989 Act” means the Local Government and Housing Act 1989⁽⁴⁾;

“the 1995 Act” means the Environment Act 1995;

“the establishment day” means 1st October 1996;

(1) 1972 c. 70. Part I of Schedule 17 is amended by section 46 of the Wildlife and Countryside Act 1981 (c. 69), and by Schedule 3 to the Local Government Act 1985 (c. 51).
(2) 1990 c. 8 Section 4A is inserted by section 67(1) of the Environment Act 1995 (c. 25).
(3) 1995 c. 25.
(4) 1989 c. 42.

“local authority member” means a member of a National Park authority who is, or as the case may be is required to be, appointed to a National Park authority by a council for a principal area in accordance with article 5;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1;

“National Park authority” means a National Park authority established by article 3;

“parish member” means a member of a National Park authority appointed by the Secretary of State under paragraph 3 of Schedule 7 to the 1995 Act;

“the relevant functions” means functions which by or under Part III of the 1995 Act become on 1st April 1997 functions of a National Park authority, including functions which are required in accordance with paragraph 5 of Schedule 17 to the 1972 Act to be discharged through a National Park Committee;

“relevant principal area” in relation to a National Park means any county or district the whole or any part of which is within the area of the Park other than an area in respect of which the council for that area are for the time being excluded under paragraph 2(3) of Schedule 7 to the 1995 Act from the councils by whom the local authority members of the National Park authority for that Park are to be appointed;

“Secretary of State member” means a member of a National Park authority who is, or as the case may be is required to be, appointed by the Secretary of State under paragraph 3 or 4 of Schedule 7 to the 1995 Act as provided in article 5(1);

“transferor authority” means, as the case may be, a Board, or a council whose functions vest in a National Park authority by or under Part III of the 1995 Act;

“the transitional period” means the period beginning on the establishment day and ending with 31st March 1997;

and a reference to a Board is a reference to each of the Lake District Special Planning Board and the Peak Park Joint Planning Board.

Establishment of National Park authorities

3. On the establishment day there shall be established a National Park authority for each National Park to be known by the name of that National Park with the addition of the words “National Park Authority”.

Membership of National Park authorities

4.—(1) The National Park authority for each National Park mentioned in column (1) of Part 1 of Schedule 1 shall consist of the number of members specified in relation to that Park in column (2) of that Part, of which—

- (a) the number specified in column (3) shall be the number of local authority members;
- (b) the number specified in column (4) shall be the total number of members appointed by the Secretary of State, and
- (c) the number specified in column (5) shall be the number of members appointed by the Secretary of State as parish members.

(2) The number of local authority members to be appointed to a National Park authority by the council for a relevant principal area shall be the number specified for that council in relation to that authority in Part II of Schedule 1.

(3) Mid Devon District Council is excluded from the councils by whom local authority members of the Dartmoor National Park authority are to be appointed.

First appointment of members

5. It shall be the duty of the Secretary of State and of each council for a relevant principal area which is required to appoint one or more local authority members to appoint their respective first members before the establishment day, and those appointments shall take effect on that day; but no appointment shall be treated as invalid by reason only of a failure to make the appointment as required by this article.

Resignation of office

6. A member may at any time resign his membership of a National Park authority by notice in writing delivered to the proper officer of the authority, and his resignation shall take effect on the receipt of the notice by that officer.

Vacancies

7. Where a vacancy arises in the membership of a National Park authority, it shall be filled as soon as is practicable—

- (a) where the vacancy is created by a local authority member, by the council in whose representation the vacancy arises; and
- (b) where the vacancy is created by a Secretary of State member, by the Secretary of State, after consultation, where the appointment falls to be made in accordance with paragraph 4 of Schedule 7 to the 1995 Act, with the Countryside Commission.

Notice of appointment, etc.

8.—(1) Subject to paragraph (2), where a member is appointed to a National Park authority, or a vacancy arises in the membership of a National Park authority for any reason other than resignation—

- (a) where the member, or the member giving rise to the vacancy, was a local authority member, the council by whom he was appointed; or
- (b) where the member, or as the case may be, the member giving rise to the vacancy, was a Secretary of State member, the Secretary of State,

shall as soon as practicable give notice in writing to the National Park authority whose membership is affected of the name of the member appointed and the date of his appointment or, as the case may be, of the occurrence of the vacancy.

(2) If a person's membership of a National Park authority is terminated in accordance with Schedule 7 to the 1995 Act by—

- (a) a council (in accordance with paragraph 2(5)(b)), or
- (b) the Secretary of State (in accordance with paragraph 6),

the council or, as the case may be, the Secretary of State, shall forthwith give notice in writing to that National Park authority of the name of the member and the date of termination of his appointment.

(3) As soon as practicable after receiving a notice under article 6 or this article, a National Park authority shall give public notice of—

- (a) the appointment, or, as the case may be, of the resignation, termination or vacancy, and
- (b) the name of the person concerned.

Meetings and proceedings

9. Schedule 2 shall have effect in relation to the meetings and proceedings of a National Park authority.

Acting proper officer

10.—(1) Until such time as a National Park authority makes other arrangements, the National Park Officer of the relevant National Park Committee or Board (or such other officer as that Committee or Board may from time to time designate) shall be deemed to be, and shall act as, the proper officer of that National Park authority.

(2) An acting proper officer appointed as provided in paragraph (1) may by writing under his hand authorise one or more other officers of the appropriate council or, as the case may be, the appropriate Board, to discharge all or any of his functions under this Order.

(3) In this article—

“the appropriate Board”, in relation to the Lake District National Park and the Peak District National Park, means the Lake District Special Planning Board and the Peak Park Joint Planning Board respectively;

“the appropriate council”, in any other case, means the council of which the National Park Officer appointed by the relevant National Park Committee is an officer; and “the relevant National Park Committee” means the National Park Committee for the National Park for which the National Park authority in question is established.

Reports and returns

11. A National Park authority shall, if so requested by the Secretary of State, forthwith send or give to the Countryside Commission and the council for every relevant principal area a copy of any report, return or information which that authority is required to send or give to the Secretary of State in accordance with section 230 (reports and returns) of the 1972 Act.(5)

Accounts, etc.

12.—(1) Subject to paragraphs (2) and (3), a National Park authority shall—

- (a) keep a fund (to be known as the general fund) to which all income of the authority shall be carried, and from which all expenditure discharging liabilities shall be met; and
- (b) keep accounts of income and expenditure of the general fund.

(2) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring a National Park authority to keep—

- (a) a specific fund or funds in respect of specified income and expenditure of the authority; or
- (b) specific accounts in respect of specified receipts income and expenditure of any funds of the authority.

(3) Nothing in paragraph (1)(a) shall be construed as requiring or authorising an authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

(5) Section 230 applies to a National Park authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.)

Continuity of exercise of functions

13.—(1) The vesting of the relevant functions of transferor authorities in a National Park authority by or under Part III of the 1995 Act shall not affect the validity of anything done by or in relation to any of those authorities before that vesting.

(2) Anything which on 1st April 1997 is in the process of being done by or in relation to a transferor authority in the exercise of, or in connection with, any relevant functions may be continued by or in relation to the National Park authority by which those functions become exercisable in respect of the National Park in question.

(3) Subject to paragraph (6), anything done by or in relation to a transferor authority before 1st April 1997 in the exercise of or in connection with any relevant function, or anything which by virtue of any enactment is treated as having been so done, shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the National Park authority.

(4) Paragraph (3) applies in particular to—

- (a) any decision, determination, declaration, designation, agreement or instrument made by a transferor authority;
- (b) any byelaws made by a transferor authority;
- (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a transferor authority;
- (d) any notice, direction or certificate given by or to a transferor authority;
- (e) any application, request, proposal or objection made by or to a transferor authority;
- (f) any condition or requirement imposed by or on a transferor authority;
- (g) any appeal allowed by or in favour of or against a transferor authority;
- (h) any proceedings instituted by or against a transferor authority.

(5) Any reference, however framed, to a transferor authority in any document constituting, or relating to, anything to which the foregoing provisions of this article apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the relevant National Park authority.

(6) The provisions of this article are without prejudice to any other provision made by or under this Order or Part III of the 1995 Act in relation to any particular relevant function or functions, and in relation to any particular transferor authority and National Park authority, and shall not be construed as continuing in force any contract of employment made by a transferor authority.

Staff

14. The provisions of Schedule 3 shall have effect in relation to staff.

Transfer of property, etc.

15.—(1) Subject to any provision made by or under any such agreement as is referred to in section 76 of the 1995 Act, or any award made in pursuance of subsection (3) of that section—

- (a) all property, rights and liabilities held, acquired or incurred by a relevant council exclusively as respects a National Park shall on 1st April 1997 vest in the National Park authority established by this Order for that Park; and
- (b) all property, rights and liabilities held, acquired or incurred by a Board shall vest in the National Park authority established by this Order for the Park for which that Board was established.

(2) In this article, in relation to a National Park, “relevant council” means the council by which the National Park Committee for that Park is appointed in pursuance of paragraph 8 of Schedule 17 to the 1972 Act.

(3) Property held by a transferor authority for the purposes of a National Park on 19th July 1995 shall be treated for the purposes of this article as held for those purposes notwithstanding any appropriation made after that date.

Section 4A of the Town and Country Planning Act 1990

16. In relation to each National Park, 1st April 1997 is the time specified for the purposes of section 4A of the Town and Country Planning Act 1990; and from that time paragraph 5 of Schedule 17 to the 1972 Act⁽⁶⁾ and section 7 of the Local Government Act 1974⁽⁷⁾ shall cease to have effect in respect of each National Park.

Town and country planning

17. The provisions of Schedule 4 shall have effect in relation to town and country planning.

Application of enactments, etc.

18. The enactments and instruments mentioned in Schedule 5 shall apply to a National Park authority with the modifications there set out.

Transitional provision

19.—(1) Schedule 6 shall have effect for the purposes of making transitional provision in relation to competitive tendering.

(2) Schedule 7 shall have effect for the purposes of making other transitional provision.

Winding up of Boards

20.—(1) On 1st April 1997 the Lake District Special Planning Board and the Peak Park Joint Planning Board shall cease to exist.

(2) Before 31st December 1997 each successor authority shall send—

- (a) to the Secretary of State,
- (b) the Countryside Commission, and
- (c) each relevant authority

a report in such form, and containing such particulars, as the Secretary of State may direct, in respect of the activities of the relevant Board in the preceding financial year.

(3) As soon as the accounts of each Board for the year ending on 31st March 1997 have been audited, the successor authority shall send a copy of those accounts to each person or body mentioned in sub-paragraphs (a) to (c) of paragraph (2) above; and a copy of the accounts shall be kept at the offices of that authority.

(4) Any person interested shall be entitled—

- (a) without payment to inspect and make extracts of accounts kept by the authority as required by paragraph (3), and
- (b) to take copies of such accounts on payment of a reasonable sum.

⁽⁶⁾ Paragraph 5 is amended by paragraph 5 of Schedule 3 to the Local Government Act 1985 (c. 51).

⁽⁷⁾ 1974 c. 7. Section 7 is amended by paragraph 6 of Schedule 3 to the Local Government Act 1985 and paragraph 4 of Schedule 8 to the Environmental Protection Act 1990 (c. 43).

(5) In paragraph (2) above, in relation to each Board—
“relevant authority” means any local authority mentioned in Part 2 of Schedule 1 in relation to the Park in relation to which that Board is established, and

“successor authority” means the National Park authority established for that Park under this Order.

(6) On 1st April 1997 the orders specified in the first column of Schedule 8 shall be revoked to the extent specified in the third column.

Signed by authority of the Secretary of State

Department of the Environment
7th May 1996

Paul Beresford
Parliamentary Under-Secretary of State,

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SCHEDULE 1

Article 4

PART 1

MEMBERSHIP OF NATIONAL PARK AUTHORITIES

<i>(1)</i> <i>Name of National Park for which a National Park authority is established</i>	<i>(2)</i> <i>Total membership of authority</i>	<i>(3)</i> <i>Number of local authority members</i>	<i>(4)</i> <i>Total number of members appointed by the Secretary of State</i>	<i>(5)</i> <i>Number of members appointed by the Secretary of State as parish members</i>
Dartmoor	26	14	12	5
Exmoor	26	14	12	5
Lake District	26	14	12	5
Northumberland	22	12	10	4
North York Moors	26	14	12	5
Peak District	38	20	18	8
Yorkshire Dales	26	14	12	5

PART 2

APPOINTMENT OF LOCAL AUTHORITY MEMBERS

<i>Authority</i>	<i>Appointing council</i>	<i>Number of members</i>
Dartmoor National Park Authority	Devon County Council	7
	South Hams District Council	1
	Teignbridge District Council	3
	West Devon Borough Council	3
Exmoor National Park Authority	Devon County Council	2
	Somerset County Council	5
	North Devon District Council	2
	West Somerset District Council	5
Lake District National Park Authority	Cumbria County Council	7
	Allerdale District Council	2
	Copeland Borough Council	1
	Eden District Council	1

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<i>Authority</i>	<i>Appointing council</i>	<i>Number of members</i>
	South Lakeland District Council	3
Northumberland National Park Authority	Northumberland County Council	6
	Alnwick District Council	2
	Berwick upon Tweed Borough Council	1
	Tynedale District Council	3
North York Moors National Park Authority	North Yorkshire County Council	6
	Hambleton District Council	1
	Redcar and Cleveland Borough Council	2
	Ryedale District Council	2
	Scarborough Borough Council	3
Peak District National Park Authority	Cheshire County Council	1
	Derbyshire County Council	6
	Staffordshire County Council	1
	Barnsley Borough Council	1
	Derbyshire Dales District Council	3
	High Peak Borough Council	2
	Kirklees Borough Council	1
	Macclesfield Borough Council	1
	North East Derbyshire District Council	1
	Oldham Borough Council	1
	Sheffield City Council	1
	Staffordshire Moorlands District Council	1
Yorkshire Dales National Park Authority	Cumbria County Council	1
	North Yorkshire County Council	6
	Craven District Council	3
	Richmondshire District Council	3
	South Lakeland District Council	1

SCHEDULE 2

Article 9

MEETINGS AND PROCEEDINGS

First meeting and other meetings before 1st April 1997

1.—(1) The first meetings of a National Park authority (in the following provisions of this Schedule referred to as “the Authority”) shall be convened by the acting proper officer as soon as practicable and, in any event, within 21 days beginning on the establishment day, and shall be held at such place and hour as may be fixed by him.

(2) That meeting shall be treated as the annual meeting of the Authority in the year 1996.

(3) Notice of that meeting shall be published at the place where the meeting is to be held and the summons to attend the meeting shall be signed by the acting proper officer.

(4) Until the completion of the election of a chairman of the Authority at that meeting, the acting proper officer shall exercise any functions falling to be exercised by the chairman and the deputy chairman of the Authority but the acting proper officer shall not vote at the election of the chairman of the Authority unless the votes for election of the chairman are tied.

(5) Without prejudice to the generality of article 11(1) of this Order, at the first meeting of the Authority the acting proper officer shall exercise any functions falling to be exercised by the proper officer of the Authority in relation to the meeting.

(6) The standing orders for the regulation of the proceedings and business of the existing council, or, as the case may be, the Board, of which the acting proper officer is an officer shall apply at the first meeting of the Authority.

(7) The Authority shall hold such further meetings before 1st April 1997 as may be necessary for the purpose of doing anything which, in accordance with section 65(3) of the 1995 Act, it considers appropriate for the purpose of securing that it is able properly to carry out its functions on and after the date.

(8) So far as is consistent with the preceding provisions of this paragraph, the following provisions of this Schedule shall apply to the calling and conduct of meetings under this paragraph.

Annual and other meetings

2.—(1) The Authority shall in every year after 1996 hold an annual meeting. The first meeting held after 31st May in any year after 1996 shall be the annual meeting.

(2) Such meeting shall be held at such hour as the Authority may fix or, if no hour is so fixed, at twelve noon.

3.—(1) The Authority shall in every year after 1996 hold, in addition to the annual meeting, at least three other meetings for the transaction of general business.

(2) Those other meetings shall be held at such hour and on such days as the Authority may determine but shall be held as near as may be at regular intervals.

4.—(1) The chairman of the Authority or, if the office of chairman is vacant, the deputy chairman of the Authority may call an extraordinary meeting of the Authority at any time.

(2) If the offices of chairman and deputy chairman are vacant, the proper officer of the Authority may call an extraordinary general meeting of the Authority at any time.

(3) If the chairman, or the deputy chairman if the office of chairman is vacant, or the proper officer if both offices are vacant, refuses to call such a meeting of the Authority after a requisition for that purpose specifying the nature of the important or urgent business, signed by five members

of the Authority, has been presented to him, or if, without so refusing, the chairman or, as the case may be, the deputy chairman or proper officer does not call a meeting within seven days after such requisition has been presented to him, then any five members of the Authority on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Authority.

Chairman and deputy chairman

5.—(1) The election of a chairman and of a deputy chairman shall be the first business transacted at the annual meeting of the Authority.

(2) A person elected as a chairman or deputy chairman of the Authority may at any time resign his office by notice in writing delivered to the proper officer of the Authority.

(3) Where a casual vacancy in the office of chairman or deputy chairman of the Authority is filled the person so appointed shall hold office until the date upon which the person in whose place he is elected would regularly have retired.

(4) Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the proper officer of the Authority.

Calling of meetings

6.—(1) Meetings of the Authority shall be held at such place, either within or without the National Park for which it is established, as it may direct.

(2) Three clear days at least before a meeting of the Authority—

(a) notice of the time and place of the intended meeting shall be published at the principal offices of the Authority and, where the meeting is called by members of the Authority, the notice shall be signed by those members and shall specify the business proposed to be transacted; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted, and signed by the proper officer of the Authority shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the Authority with a copy to the proper officer of the council for every principal area the whole or any part of which is within the National Park for which the Authority is established, the Countryside Commission and the Secretary of State.

(3) If a member of the Authority gives notice in writing to the proper officer of the Authority that he desires summonses to attend meetings of the Authority to be sent to him at some address specified in the notice other than his usual place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

(4) Want of service of a summons on any member of the Authority shall not affect the validity of such a meeting.

(5) Subject to section 100B(4) of the 1972 Act⁽⁸⁾, except in the case of business required by or under this Order or any other statutory provision to be transacted at the annual meeting of the Authority and other business brought before that meeting as a matter of urgency in accordance with the Authority's standing orders, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

Conduct of meetings

7.—(1) At a meeting of the Authority the chairman, if present, shall preside.

⁽⁸⁾ inserted by the Local Government (Access to Information) Act 1985 (c. 43).

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(2) If the chairman is absent from a meeting of the Authority the deputy chairman, if present, shall preside.

(3) If both the chairman and the deputy chairman of the Authority are absent such other member of the Authority as the members present shall choose shall preside.

Quorum

8. Subject to the provisions of paragraph 45 of Schedule 12 to the 1972 Act⁽⁹⁾, no business shall be transacted at a meeting of the Authority unless—

- (a) at least one third of the whole number of members of the Authority are present; and
- (b) of those present at least one is a local authority member and at least one a Secretary of State member.

Minutes of proceedings of meetings

9. A copy of the minutes of the proceedings at each meeting of the Authority shall be sent to the proper officer of the council for every principal area the whole or any part of which is within the National Park for which the Authority is established, to the Countryside Commission and to the Secretary of State within thirty five days of the date of the meeting at which those minutes are approved.

Computation of time

10.—(1) For the purposes of computing the period of three clear days under paragraph 6(2) of this Schedule there shall be excluded any day which is a Saturday, Sunday, or bank holiday, Christmas Day or Good Friday.

(2) In this paragraph “bank holiday” means a day which is, or is to be observed as, a bank holiday, under the Banking and Financial Dealings Act 1971⁽¹⁰⁾, in England and Wales.

SCHEDULE 3

Article 14

TRANSFER OF STAFF

Interpretation

1. In this Schedule—

“contract of employment” means a contract under which a person works for another person whether under a contract of service or apprenticeship or otherwise but does not include a contract for services;

“designated list” means a list marked with the name of the relevant National Park authority followed by the words “Designated List” which is signed by the Secretary of State for the Environment, one copy of which is deposited with the relevant transferor authority and one with the relevant National Park authority.

“employee” means a person employed under a contract of employment.

⁽⁹⁾ Paragraph 45 in Part VI of Schedule 12 to the 1972 Act is applied to a National Park Authority by virtue of paragraph 12(1)(a) of Schedule 7 to the 1995 Act.

⁽¹⁰⁾ 1971 c. 80.

Transfer of Staff

- 2.—(1) This paragraph shall apply to any employee (“a designated employee”)—
- (a) who immediately before 1st April 1997 (the “transfer date”) was employed by a transferor authority;
 - (b) whose employment with that authority would continue but for the transfer of relevant functions to a National Park authority and;
 - (c) whose name is mentioned in a designated list.

(2) The contract of employment of a designated employee shall not be terminated on the transfer date but shall have effect as if originally made between that employee and the National Park authority mentioned at the head of that list.

(3) This paragraph is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981(11).

SCHEDULE 4

Article 17

TOWN AND COUNTRY PLANNING

Interpretation

1. Subject to paragraph 3(1)—
“the 1990 Act” means the Town and Country Planning Act 1990(12); and
“provision” means a provision of a development plan (as defined in section 336(1) of that Act(13)).

Continuity of plan provisions

2. Without prejudice to the generality of article 13 of this Order, any provision applying to the area of a National Park shall continue to apply to that area until replaced by a provision which so applies, and which is expressed to supersede the preserved provision.

Inclusion of unadopted proposals in preparation of development plans

3.—(1) In this paragraph, any reference to the 1990 Act is a reference to that Act in the form in which it was in force immediately before commencement of the Planning and Compensation Act 1991 or as amended by that Act.

(2) A National Park authority may, when preparing, altering or replacing a development plan, include proposals, which have not yet been adopted, in respect of a development plan which was being made, altered or replaced by a transferor authority prior to 1st April 1997 in respect of an area for which the National Park authority has a duty to prepare a development plan.

(3) The National Park authority shall publish a statement identifying a proposal so included.

(4) Where the National Park authority is satisfied that there has been no significant change in circumstances affecting the proposal, it need not repeat any step taken by the transferor authority in respect of that proposal for the purpose of complying with the 1990 Act or with regulations made thereunder.

(11) S.I. 1981/1794, amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(12) 1990, c.8.

(13) This definition is amended by the Planning and Compensation Act 1991 (c. 34), Schedule 4, paragraph 34.

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(5) Where an inquiry or other hearing is held for the purpose of considering an objection to proposals in respect of a development plan, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that the objection is in respect of a proposal identified in accordance with paragraph (3) above and the person objecting has had his objection in respect of the proposal heard at an inquiry or other hearing held by the transferor authority or, where a matter affecting consideration of the proposal to which the objection relates has been considered at an examination in public considered by such an authority.

Inclusion of certain policies in another development plan

4.—(1) This paragraph applies where—

- (a) a development plan is operative in the area of a National Park authority;
- (b) development plan proposals are being prepared by that authority;
- (c) that authority has published a statement identifying a policy included in the plan as an existing policy; and
- (d) a local inquiry or other hearing is held for the purpose of considering any objection to the proposals;

and in this paragraph, “existing policy” means a policy or proposal the substance of which (however expressed) was contained in a development plan which was operative as mentioned in paragraph (1)(a).

(2) Where this paragraph applies, the person holding the inquiry or other hearing need not allow an objector to appear if he is satisfied that—

- (a) the objection is to a policy identified in the statement published as mentioned in paragraph (1)(c);
- (b) the policy so identified is an existing policy; and
- (c) there has been no significant change in circumstances affecting the existing policy since it first formed part of the plan mentioned in paragraph (1)(a).

Structure plans

5.—(1) The structure plans applying immediately before 1st April 1997 to Devon but excluding the area of Exmoor National Park, and any proposals prepared before that date for the alteration or replacement of any of those plans, shall be treated as if they had been prepared jointly by the Dartmoor National Park Authority and the Devon County Council; and section 50 of the 1990 Act⁽¹⁴⁾ shall apply accordingly.

(2) The structure plan applying immediately before 1st April 1997 to Somerset and that part of Devon falling within the area of Exmoor National Park, and any proposals prepared before that date for the alteration or replacement of that plan, shall be treated as if they had been prepared jointly by the Exmoor National Park Authority and the Somerset County Council; and section 50 of the 1990 Act shall apply accordingly.

(3) The structure plan applying immediately before 1st April 1997 to Northumberland, and any proposals prepared before that date for the alteration or replacement of that plan, shall be treated as if they had been prepared jointly by the Northumberland National Park Authority and the Northumberland County Council; and section 50 of the 1990 Act shall apply accordingly.

(4) The structure plans applying immediately before the 1st April 1997 to North Yorkshire, that part of Redcar and Cleveland falling within the area of the North York Moors National Park, the City

⁽¹⁴⁾ 1990 c. 8. Sections 36 to 38 is substituted by paragraph 17 of Schedule 4 to the Planning and Compensation Act 1991 (c. 34) and section 50 is amended by paragraph 24 of that Schedule.

of York, and that part of Cumbria falling within the area of the Yorkshire Dales National Park, and any proposals prepared before that date for the alteration or replacement of any of those plans, shall be treated as if they had been prepared jointly by the North York Moors National Park authority, the Yorkshire Dales National Park Authority, the York City Council, and the North Yorkshire County Council; and section 50 of the 1990 Act shall apply accordingly.

SCHEDULE 5

Article 18

APPLICATION OF ENACTMENTS AND INSTRUMENTS

PART I

ADMINISTRATION

Members' allowances

1. In section 175 of the 1972 Act(**15**) (allowances for attending conferences and meetings), subsection (3B) shall have effect as if a National Park authority were a combined body all the members of which are representatives of local authorities.

2. In section 177 of the 1972 Act(**16**) (supplementary provisions) paragraph (b) of subsection (1) shall have effect as if a National Park authority were a body specified in section 21(1) of the 1989 Act, as referred to in paragraph (a) of that subsection.

Expenditure on publicity

3. Section 5(1) of the Local Government Act 1986(**17**) does not apply to any expenditure incurred by a National Park authority in the financial year beginning on 1st April 1996 where that authority resolves as soon as reasonably practicable after the establishment date not to spend more than £3,000 on publicity, and that limit is not exceeded by that authority in the course of that year.

Financial administration

4.—(1) Part VIII (financial administration) of the Local Government Act 1988(**18**) (“the 1988 Act”) shall apply to a National Park authority as if—

- (a) that authority were a relevant authority for the purposes of that Part; and
- (b) references to “the commencement day” were references to 1st April 1997.

(2) Section 113(2)(b) (qualifications) shall have effect in relation to the person having responsibility, under section 151 of the 1972 Act(**19**), for the administration of the financial affairs of a National Park authority as if that authority were an authority mentioned in section 112(2)(a) to (k) of the 1988 Act.

(15) Subsection (3B) is inserted by section 25(3) of the Local Government, Planning and Land Act 1980 (c. 65), and amended by paragraph 27(b) of Schedule 11 to the 1989 Act. Section 175 applies to National Park authorities by virtue of paragraph 11(1) of Schedule 7 to the 1995 Act.

(16) Subsection (1) of section 177 was substituted by paragraph 28(2) of Schedule 11 to the 1989 Act and amended by S.I. 1994/446.

(17) c.10. Paragraph 9 of Schedule 8 to the 1995 Act provides for a National Park authority to be treated as a local authority of the purposes of Part II (restrictions on publicity) of the 1986 Act.

(18) 1988 c. 41.

(19) Section 151 is applied to National Park authorities by paragraph 13(6) of Schedule 7 to the 1995 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Standing orders

5. Subject to paragraph 10 of Schedule 7, in the Local Authorities (Standing Orders) Regulations 1993⁽²⁰⁾—

- (a) regulations 1 to 3 shall apply as if a National Park authority were a relevant authority within the meaning of regulation 1;
- (b) regulation 4 shall apply as if a National Park authority were a council mentioned in paragraph (1) of that regulation; and
- (c) paragraph 2 of Schedule 2 shall apply as if the reference to a meeting called under paragraph 3 of Schedule 12 to the 1972 Act were a reference to an extraordinary meeting of a National Park authority.

PART II

MISCELLANEOUS FUNCTIONS

Water

6.—(1) Schedule 11 to the Water Industry Act 1991⁽²¹⁾ shall apply as if a National Park authority were a local authority for the purposes of paragraph 1(3)(b) (persons to be notified of compulsory works order application).

(2) The Water Resources Act 1991⁽²²⁾ shall apply as if—

- (a) in section 72(2)(a) (watercourses excluded from provisions of the Act) at the end there were added—
 - “(v) a National Park authority.”;
- (b) in section 158(1) (works agreements), section 197(5) (information), paragraph 2(3)(a) of Schedule 5 (procedure) and paragraph 1(4)(b) of Schedule 6 (exemption orders), after the words “local authority” there were in each case inserted “National Park authority.”.

Transport and Works Act 1992

7. The Transport and Works Act 1992⁽²³⁾ shall apply as if a National Park authority were a local authority for the purposes of section 11(4) (inquiries and hearings).

Commons

8. The Commons (Schemes) Regulations 1982⁽²⁴⁾ shall apply to a National Park authority—

- (a) as if it were a council for the purposes of the Regulations, and
- (b) as if in forms 1 and 2 in the Schedule references to the National Park authority were substituted for references to the Council.

⁽²⁰⁾ S.I. 1993/202.

⁽²¹⁾ 1991 c. 56.

⁽²²⁾ 1991 c. 57.

⁽²³⁾ 1992 c. 42.

⁽²⁴⁾ S.I. 1982/209. Paragraph 1 of Schedule 9 to the 1995 act provides that section 1 of the commons act 1899 (c. 30) shall have effect in relation to a registered common as if a National Park authority were a local authority for the purposes of that enactment.

Areas of archaeological importance

9. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(25) shall have effect in relation to any area of archaeological importance wholly or partly within a National Park as if for each reference to a district council there were substituted a reference to the National Park authority in relation to that National Park.

Disposal of abandoned vehicles

10. The Removal and Disposal of Vehicles Regulations 1986(26) shall apply as if in paragraph (aa) of regulation 12(1) after “Local Government Act 1985” there were inserted “or a National Park authority”.

Set-aside

11. The Set-Aside Regulations 1988(27) shall apply as if the definition of National Park authority in regulation 2(1) included a National Park authority established by this Order.

Listed building purchase notices

12. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(28) shall apply as if—

- (a) in regulation 9(1) (claims for compensation and listed building purchase notices) after the word “borough” there were inserted “or National Park authority”; and
- (b) in paragraph (2) of the form set out in Part II of Schedule 1 (notification of refusal of consent) after the words “City of London” there were inserted “or, where the land is situated in a National Park, on the National Park authority for that Park”.

Litter control

13. The Litter Control Areas Order 1991(29) shall apply as if a National Park authority were a body mentioned in paragraph (1)(j) of article 2 (land which may be designated as a litter control area).

Conservation (natural habitats)

14. The Conservation (Natural Habitats &c.) Regulations 1994(30) shall apply as if the definition of “local authority” in regulation 6(3) (competent authorities) included a reference to a National Park authority.

(25) S.I. 1984/1285. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 (archaeological areas) of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46) shall have effect as if any notice required to be served on a local authority under that section were required to be served, instead, on a National Park authority.

(26) S.I. 1986/183. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the Refuse Disposal (Amenity) Act 1978 (c. 3) shall have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority’s area.

(27) S.I. 1988/1352.

(28) S.I. 1990/1519. Paragraph 33 of Schedule 10 to the 1995 Act makes a National Park authority a body on whom a listed building notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

(29) S.I. 1991/1325.

(30) S.I. 1994/2716.

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Town and country planning

15. The Town and Country Planning General Regulations 1992(31) shall apply as if in regulation 12(1) (claims for compensation etc.) after “London borough” there were inserted the words “or National Park authority”.

16. The Town and Country Planning (General Development Procedure) Order 1995(32) shall apply as if in Part 2 of Schedule I to the Order (notification or refusal, etc.) in the final paragraph after the words “City of London” there were inserted “or, where the land is situated in a National Park, the National Park authority for that Park”.

SCHEDULE 6

Article 19(1)

TRANSITIONAL PROVISION: COMPETITIVE TENDERING

1. In this Schedule—

“the 1980 Act” means the Local Government, Planning and Land Act 1980(33);

“the 1988 Act” means the Local Government Act 1988(34); and

“the reorganisation period” means the period beginning on the establishment day and ending on 30th September 1998.

2. During the reorganisation period—

(a) construction and maintenance work (within the meaning of Part III of the 1980 Act) shall not be treated as functional work, or work carried out under a works contract, for the purposes of that Part; and

(b) work falling within a defined activity (within the meaning of Part I of the 1988 Act) shall not be treated as so falling for the purposes of that Part,

so long as it is carried out—

(i) exclusively for the purposes of a National Park by a transferor authority, or

(ii) by a National Park authority.

3. During the reorganisation period, work to which paragraph 2 applies shall not be treated as functional work, or work comprised in or carried out in pursuance of a works contract, for the purposes of either—

(a) Part III of the 1980 Act, or

(b) Part I of the 1988 Act.

(31) S.I. 1992/1492.

(32) S.I. 1995. 419. Section 67(5) of the Act inserts section 147A of the Town and County Planning Act 1990 (c. 8) which applies Chapter I of Part VI of that Act to National Parks.

(33) 1980 c. 65; relevant amendment by Schedule 6 to the Local Government Act 1988 and paragraphs 1 to 9 of Schedule 1 to the Local Government Act 1992 (c. 19). Part III of the 1980 Act is applied to National Park authorities by paragraph 8(1) of Schedule 8 to the 1995 Act.

(34) 1988 c. 9; relevant amendment by paragraphs 10 to 14 of Schedule 1 to the Local Government Act 1992. Part I of the 1988 Act is applied to National Park authorities by paragraph 8(2) and (3) of Schedule 8 to the 1995 Act.

SCHEDULE 7

Article 19(2)

TRANSITIONAL PROVISION: GENERAL

Section 116 of the 1972 Act

1. A person who on, or before, 1st April 1997 has ceased to be a member of a National Park authority shall not be disqualified by section 116 of the 1972 Act⁽³⁵⁾ from being appointed by that National Park authority to a paid office.

Disclosure of officers' interests

2. For the purposes of section 117 of the 1972 Act (disclosure by officers of interests in contracts)⁽³⁶⁾ any contract which—

- (a) was entered into by a transferor authority, and
- (b) to which a National Park authority becomes a party by virtue of this Order or any provision made by or under Part III of the 1995 Act,

shall be treated as a contract entered into by that National Park authority.

Application of directions etc. to a National Park authority

3. Where under any provision relating to any relevant functions the Secretary of State is empowered to give directions or issue guidance to a transferor authority, or is otherwise empowered to make a decision on such functions in relation to such an authority, that power may be exercised during the transitional period in relation to a National Park authority to the extent that it is consistent with the powers and duties conferred and imposed on such an authority.

Duty of transferor authorities to assist National Park authorities

4. Each transferor authority the whole or any part of whose area lies within a National Park shall provide the National Park authority established for that National Park with such assistance and information as that authority may reasonably request for the purposes of discharging any of its functions.

Access to information

5.—(1) The right conferred by this paragraph shall be exercisable by a National Park authority against any transferor authority the whole or any part of whose area lies within the National Park for which that authority has been established.

(2) Upon giving reasonable notice, a National Park authority (acting through any authorised officer) shall have the right at all reasonable times to inspect and take copies of, or extracts from, recorded information to which access is necessarily required for the proper discharge of its functions, wherever, and in whatever form, such information may be held.

(3) The transferor authority against whom the right is exercised shall supply all such information and assistance as may reasonably be required in relation to the exercise of the right.

(4) The duty imposed under this article is in addition to, and without prejudice to, the duty imposed by paragraph 4 above, or any other duty otherwise imposed upon a transferor authority.

⁽³⁵⁾ Section 116 applies to a National Park authority by virtue of paragraph 13(6) of Schedule 7 to the 1995 Act.

⁽³⁶⁾ Section 117 applies to a National Park authority by paragraph 13(6) of Schedule 7 to the 1995 Act.

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Registers and similar records required to be maintained

6.—(1) This paragraph applies to a National Park authority which does not, or will not, receive from a transferor authority all of the material comprised in any register maintained by that authority so far as relevant to the National Park for which that National Park authority is established.

(2) Upon giving reasonable notice, a National Park authority (acting through any authorised officer) shall at all reasonable times be entitled to access to such material as is referred to in sub-paragraph (1) which it has not received, or will not receive, to enable copies to be taken or information extracted.

(3) In fulfilling its obligation to maintain a register, a National Park authority may incorporate with any material copied or extracted in accordance with sub-paragraph (2) a certificate that it is a true copy of, or extract from, the register from which it has been copied or extracted and thereafter the certified copy or extract may be maintained as the register, or as the case may be, part of the register, that the National Park authority is required to maintain.

(4) Nothing in this article shall affect the operation of any other provision in relation to any register which a National Park authority is required to maintain.

(5) For the purposes of this paragraph “register” means any register, map, list or other document of whatever form and in whatever medium which a local authority is required to maintain.

Interim monitoring officer

7.—(1) If, at the time of the holding of the first meeting of a National Park authority in accordance with paragraph 1 of Schedule 2 to this Order, the authority is not in a position to designate a monitoring officer as required by section 5(1) of the 1989 Act⁽³⁷⁾, it shall appoint an interim monitoring officer in accordance with the provisions of this paragraph.

(2) The obligation for a National Park authority to have an interim monitoring officer shall continue until the designation of a monitoring officer by the authority under section 5(1) of the 1989 Act.

(3) Subject to the provisions of this article, section 5 of the 1989 Act shall apply to an interim monitoring officer in the same way as it applies to a monitoring officer, and the interim monitoring officer shall, for all purposes, be treated as the National Park authority’s monitoring officer.

(4) An interim monitoring officer shall be paid such remuneration and allowances (if any) as the National Park authority appointing him think fit.

(5) The duties of an interim monitoring officer shall be performed by him personally.

(6) A National Park authority shall not appoint as its interim monitoring officer a person who holds any other paid office or employment with that authority.

(7) During the period of his appointment an interim monitoring officer shall not be appointed to any other paid office or employment of the National Park authority.

(8) Any person who ceases to be an interim monitoring officer shall be disqualified from being appointed to any paid office or employment with that National Park authority until 1st April 1997.

(9) A member of a National Park authority shall be disqualified from being appointed as an interim monitoring officer for the authority.

(10) The National Park authority may revoke the appointment of an interim monitoring officer if—

(a) he becomes bankrupt or makes an arrangement with his creditors; or

(b) he is, in the opinion of the authority, unable or unfit to discharge his duties.

(37) Section 5 of the 1989 Act is applied to a National Park authority by paragraph 13(7)(b) of Schedule 7 to the 1995 Act.

(11) If the appointment of an interim monitoring officer is ended other than by reason of the designation of a monitoring officer, a National Park authority shall, unless they designate a monitoring officer, appoint a further person to be an interim monitoring officer and the provisions of this paragraph shall have effect in relation to that further appointment.

Audit of first accounts

8.—(1) The accounts of a National Park authority for the transitional period shall be audited with the accounts of that authority for the financial year beginning on 1st April 1997 and shall be treated for all purposes as if they were accounts for that financial year.

(2) The requirement in regulation 6(1) of the Accounts and Audit Regulations 1996⁽³⁸⁾ to show in the statement of accounts corresponding amounts in relation to the immediately preceding year shall not apply in relation to such a statement prepared by a National Park authority for the period beginning on the establishment day and ending on 31st March 1998.

Reports and returns

9. For the purposes of section 230 of the 1972 Act, a National Park authority shall, on or after 1st April 1997, send the Secretary of State such reports and returns in relation to the relevant functions of a transferor authority and give him such information with respect to those functions as have been required of such an authority but not supplied before 1st April 1997, or as the Secretary of State may require, or as may be required by either House of Parliament.

Standing Orders

10.—(1) During the transitional period, the Local Authorities (Standing Orders) Regulations 1993⁽³⁹⁾ shall have effect as if paragraphs 1 and 2 of Part I of and paragraph 3(a) of Part II of the Schedule 1 to those Regulations were omitted.

(2) On or after 1st April 1997, the said paragraphs 1 and 2 of Part I of and paragraph 3(a) of Part II of the Schedule to the 1993 Regulations shall not apply to a National Park authority and, in consequence, a National Park authority shall no later than its first meeting after the 1st April 1997 take all the action required by regulations 2 and 4 of the 1993 Regulations in respect of the standing orders provided for in those paragraphs.

SCHEDULE 8

Article 20(6)

REVOCATIONS

Orders revoked	References	Extent of revocation
The Lake District Special Planning Board Order 1973	S.I. 1973/2001	The whole Order.
The Peak Park Joint Planning Board Order 1973	S.I. 1973/2061	The whole Order, in so far as not previously revoked. ⁽⁴⁰⁾
The Peak Park Joint Planning Board Order 1986	S.I. 1986/561	The whole Order.

⁽³⁸⁾ S.I. [1996/590](#).

⁽³⁹⁾ S.I. [1993/202](#).

⁽⁴⁰⁾ by S.I. [1986/561](#).

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EXPLANATORY NOTE

(This note is not part of the Order)

Under section 63 of the Environment Act 1995, the Secretary of State may by order establish for a National Park an authority, known as a National Park authority, to carry out in relation to that Park the functions conferred on such an authority by or under Part III of that Act.

Article 3 of this Order establishes on 1st October 1996 a National Park authority for each of the National Parks in England. Article 4 and Schedule 1 make provision for the number of members to be appointed to each authority by local authorities, and by the Secretary of State. Articles 4 to 8 deal with the first appointment of members, resignation of office, vacancies, and notification of appointments. Article 10 makes transitional provision for an acting proper officer. Articles 11 and 12 provide for reports and returns by an Authority, and its funds and accounts. Article 13 provides for continuity in the exercise of the functions formerly exercised in relation to a National Park by a local authority or the Lake District Special Planning Board or the Peak Park Joint Planning Board (“the Boards”). Article 14 and Schedule 3 provide for the transfer of staff, and article 15 for the transfer of property, rights and liabilities. The effect of article 16 is that each Authority, as from 1st April 1997, becomes the sole local planning authority for the area of its Park, except for certain functions which are required to be exercised concurrently with appropriate district councils. Article 17 and Schedule 4 make provision in relation to development plans. Article 18 and Schedule 5 apply various enactments and instruments to National Park authorities. Article 19 makes transitional provision, and article 20 provides for the winding up of the Boards.