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STATUTORY INSTRUMENTS

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**1996 No. 534**

**COUNTRYSIDE**

WALES

**The National Park Authorities  
(Wales) (Amendment) Order 1996**

<i>Made</i>	- - - -	<i>5th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State for Wales, in exercise of the powers conferred on him by sections 63(1) and (2) and 75(3), (4) and (7) of the Environment Act 1995<sup>(1)</sup>, 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 (Wales) (Amendment) Order 1996 and shall come into force on 1st April 1996.

**Interpretation**

2. In this Order:—

“the 1995 Act” means the Environment Act 1995;

“the principal Order” means the National Park Authorities (Wales) Order 1995<sup>(2)</sup>.

**Application of other enactments and instruments with modifications**

3.—(1) The principal Order shall be amended in accordance with the following paragraph.

(2) In Schedule 5 to the principal Order (application of other enactments and instruments with modifications) after paragraph 2 there shall be inserted the paragraphs set out in Part 1 of the Schedule hereto (applications of other enactments with modifications) and after paragraph 10 there shall be added the paragraphs set out in Part 2 of the Schedule hereto (application of other instruments with modifications).

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(1) 1995 c. 25.  
(2) S.I.1995/2803.

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Signed by authority of the Secretary of State for Wales

5th March 1996

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

## THE SCHEDULE

article 3

### PART 1

#### APPLICATION OF OTHER ENACTMENTS WITH MODIFICATIONS

1. After paragraph 2 of Schedule 5 to the principal Order insert the following paragraphs—

**“Part VIII of the Local Government Finance Act 1988 (Financial Administration)**

**2A.**—(1) Subject to the following provisions of this paragraph, Part VIII of the Local Government Finance Act 1988<sup>(3)</sup> (financial administration) shall apply as if a National Park authority were a relevant authority as referred to in that Part.

(2) In relation to a National Park authority, Part VIII of that Act shall have effect as if references to the commencement day were construed as references to the 1st April 1996.

(3) In relation to the person having responsibility for the administration of the financial affairs of a National Park authority under section 151 of the 1972 Act, section 113(2)(b) of the Act of 1988 (qualifications of responsible officer) shall have effect as if a National Park authority were an authority mentioned in section 111(2)(a) to (k) of that Act of 1988.

**Water Industry Act 1991**

**2B.** Schedule 11 to the Water Industry Act 1991<sup>(4)</sup> shall apply as if in paragraph 1(3) (persons to be notified of a compulsory works order application) at the end there were added the following sub-paragraph—

“(h) a National Park authority whose area is or includes the whole or any part of a relevant locality.”.

**Water Resources Act 1991**

**2C.** The Water Resources Act 1991<sup>(5)</sup> shall apply as if—

- (a) In section 72(2)(a) (watercourses excluded from Chapter II Part II of the Act) at the end there were added the following sub-paragraph—

“(v) a National Park authority.”;

- (b) In section 158(1) (works agreements for water resources purposes) the words “or National Park authority” were inserted after “joint planning board”;

- (c) In section 197(5) (provision of information about water flow etc.) the words “or National Park authority” were inserted after “joint planning board”;

- (d) In Schedule 5 (procedure relating to statements on minimum acceptable flow) in paragraph 2(3)(a) the words “or National Park authority” were inserted after “joint planning board”; and

- (e) Schedule 6 (orders providing for exemption from restrictions on abstraction) in paragraph 1(4)(b) the words “or National Park authority” were inserted after “joint planning board”.

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(3) 1988 c. 6.  
(4) 1991 c. 56.  
(5) 1991 c. 57.

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## **Transport and Works Act 1992**

**2D.** The Transport and Works Act 1992(6) shall apply as if a National Park authority were a local authority for the purposes of section 11(4)(a) (inquiries and hearings).”.

## **PART 2**

### **APPLICATION OF OTHER INSTRUMENTS WITH MODIFICATIONS**

2. After paragraph 10 of Schedule 5 to the principal Order add the following paragraphs—

#### **“The Commons (Schemes) Regulations 1982**

- 11.** The Commons (Schemes) Regulations 1982(7) shall apply as if—
- (a) a National Park authority were a council for the purposes of those Regulations;
  - (b) In paragraph 1 of Form I (Form of Scheme) of the Schedule the words “or National Park authority” were inserted after the words “district council”; and
  - (c) In Form II (Form of Notice) of the Schedule the words “or National Park authority” were inserted after the words “district council”.

#### **The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984**

**12.** The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(8) shall apply as if—

- (a) in regulation 4 (prescribed steps to be taken by local councils) the words “or National Park authority” were inserted after the “council”; and
- (b) in Part I of Schedule I (form of notice of carrying out operations) in Service of This Notice—
  - (i) after the words “London borough council or” there were inserted the words “where the site of the operations is within a National Park, the notice is to be served instead on the National Park authority or”;
  - (ii) after the word “situated” there were inserted the words “*except* that where the site is partially within a National Park the notice is to be served on the National Park authority to the extent that the site is within its area and”; and
  - (iii) after the words “such council” there were inserted “or authority”.

#### **The Removal and Disposal of Vehicles Regulations 1986**

**13.** The Removal and Disposal of Vehicles Regulations 1986(9) shall apply as if in paragraph (cc) of the definition of “local authority” in regulation 12(1)(e) after the word “Wales,” there were inserted “a National Park authority or”.

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(6) 1992 c. 42.

(7) S.I. 1982/209. Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the Commons Act 1899 (c. 30) (scheme for regulation) shall have effect in relation to a registered common as if the National Park authority were a local authority for the purpose of that enactment.

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

(9) S.I. 1986/183, to which there are amendments not relevant to this Order. 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

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### **The Set-Aside Regulations 1988**

14. The Set-Aside Regulations 1988(10) shall apply as if in regulation 2(1) the definition of “National Park Authority” included a National Park authority established by this Order.

### **The Planning (Listed Buildings and Conservation Areas) Regulations 1990**

15. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(11) shall apply as if—

- (a) in regulation 9(1) (claims for compensation and listed building purchase notices) after the words “London borough” there were inserted “or a National Park authority”; and
- (b) in paragraph (2) of the form set out in Part II of Schedule I (notification of refusal of listed building consent or conservation area consent) after the words “council of the district” there were inserted the words “or National Park authority”.

### **The Litter Control Areas Order 1991**

16. The Litter Control Areas Order 1991(12) shall apply as if in paragraph (1)(j) of article 2 (land which may be designated as a litter control area) there were added at the end—  
“(xiii) a National Park authority”.

### **The Town and Country Planning General Regulations 1992**

17. The Town and Country Planning General Regulations 1992(13) shall apply as if in regulation 12(1) after “London borough” there were inserted the words “or National Park authority”.

### **The Transport and Works (Model Clauses for Railways and Tramways) Order 1992**

18. The Transport and Works (Model Clauses for Railways and Tramways) Order 1992(14) shall have effect as if paragraph 12(7)(a) of Schedule 1 (model clauses for railways) and paragraph 17(7)(a) of Schedule 2 (model clauses for tramways) included a reference to a sewer or drain which belongs to a National Park authority.

### **The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993**

19. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993(15) shall apply as if a National Park authority were an authority for the purposes of the Regulations.

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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.

(10) S.I. 1988/1352, to which there are amendments not relevant to this Order.

(11) 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 purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

(12) S.I. 1991/1325.

(13) S.I. 1992/1492, to which there are amendments not relevant to this Order.

(14) S.I. 1992/3270.

(15) S.I. 1993/407. Paragraph 11 of Schedule 9 to the 1995 Act provides that specified provisions in the Highways Act 1980 (c. 66) relating to footpaths and bridleways shall have effect as if references to a local authority or council included references to a National Park authority. Paragraph 11 of Schedule 8 to the 1995 Act provides that section 152(2) of the Local Government and Housing Act 1989 (c. 42) (provision as to charges) includes a National Park authority.

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### **The Conservation (Natural Habitats, &c.) Regulations 1994**

**20.** The Conservation (Natural Habitats, &c.) Regulations 1994<sup>(16)</sup> shall apply as if the definition of “local authority” in regulation 6(3)(b) (competent authorities) included a National Park authority.

### **Town and Country Planning (General Development Procedure) Order 1995**

**21.** The Town and Country Planning (General Development Procedure) Order 1995<sup>(17)</sup> shall apply as if in Part 2 of Schedule I to that Order (notification to be sent to applicant when planning permission is refused or granted subject to conditions) in the final paragraph after the words “City of London” there were inserted “or National Park authority”.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the National Park Authorities (Wales) Order 1995. Article 18 of and Schedule 5 to the principal Order apply to the National Park authorities in Wales certain enactments and instruments, some with modifications. This Order applies to those authorities the further enactments and instruments some with modifications, which are specified in the Schedule to this Order.

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<sup>(16)</sup> S.I. [1994/2716](#).

<sup>(17)</sup> S.I. [1995/419](#). Section 67(5) of the 1995 Act inserted section 147A into the Town and Country Planning Act 1990 (c. 8) which applies Chapter I of Part VI (interests affected by planning decisions or orders) of that Act to National Parks.