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STATUTORY INSTRUMENTS

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**2004 No. 1777**

**The Cotswolds Area of Outstanding Natural Beauty  
(Establishment of Conservation Board) Order 2004**

**PART I** **E+W**

*Introductory*

**Citation and commencement** **E+W**

1. This Order may be cited as the Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 and shall come into force on the fourteenth day after the day on which it is made.

**Interpretation** **E+W**

2. In this Order—

“the 1972 Act” means the Local Government Act 1972 <sup>M1</sup>;

“the 1989 Act” means the Local Government and Housing Act 1989 <sup>M2</sup>;

“the 2000 Act” means the Countryside and Rights of Way Act 2000;

“the Cotswolds Area of Outstanding Natural Beauty” means the area designated on 22nd February 1966 by the Cotswolds Area of Outstanding Natural Beauty (Designation) Order 1966 and varied on 28th November 1989 by the Cotswolds Area of Outstanding Natural Beauty (Designation) Variation Order 1989 <sup>M3</sup>;

“the Board” means the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty as established by article 3;

“the establishment day” means 14th December 2004; and

“the operative day” means the 1st February 2005.

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**Marginal Citations**

**M1** 1972 c. 70.

**M2** 1989 c. 42.

**M3** The designation order was confirmed on 19th August 1966 and the variation order was confirmed on 21st December 1990. These orders, which were made under section 87 of the National Parks and Access to the Countryside Act 1949 (c. 97), are, as a result of paragraph 16 of Schedule 15 to the 2000 Act, to be taken to have been made under section 82 of the 2000 Act.

## PART II E+W

### *Establishment, constitution and administration of the Board*

#### **Establishment of the Board** E+W

3. On the establishment day there shall be established a conservation board for the Cotswolds Area of Outstanding Natural Beauty to be known as “the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty”.

#### **Specified number of Board members** E+W

4.—(1) The specified number of local authority members of the Board shall be [<sup>F1</sup>15].

(2) The specified number of members of the Board to be appointed by the Secretary of State shall be [<sup>F2</sup>14].

(3) The specified number of parish members of the Board shall be 8.

#### **Textual Amendments**

**F1** Word in art. 4(1) substituted (1.4.2009) by [The Local Government \(Structural Changes\) \(Miscellaneous Amendments and Other Provision\) Order 2009 \(S.I. 2009/837\)](#), arts. 1, **21(2)(a)**

**F2** Word in art. 4(2) substituted (1.4.2009) by [The Local Government \(Structural Changes\) \(Miscellaneous Amendments and Other Provision\) Order 2009 \(S.I. 2009/837\)](#), arts. 1, **21(2)(b)**

#### **Appointment of local authority members** E+W

5. Each local authority specified in Schedule 1 (being collectively the local authorities for the areas wholly or partly comprised in the Cotswolds Area of Outstanding Natural Beauty) shall appoint one member to the Board.

#### **Appointment of parish members** E+W

6. The parish members of the Board shall be appointed, in accordance with the provisions of Schedule 2, by the parish councils and parish meetings specified in Part IV of that Schedule (being collectively the parish councils for parishes the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty and the parish meetings of any of those parishes which do not have separate parish councils).

#### **First appointment of members** E+W

7. Each local authority specified in Schedule 1, the Secretary of State, and the parish councils and parish meetings specified in Part IV of Schedule 2 (acting in accordance with the provisions of Part I of that Schedule), shall 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 appointments in accordance with this article.

#### **Resignation of office** E+W

8. A member of the Board may at any time resign his membership by giving notice in writing to the chief officer of the Board, and his resignation shall take effect on the receipt of that notice by that officer.

## **Vacancies** **E+W**

**9.—(1)** Where a vacancy arises in the membership of the Board, it shall be filled as soon as practicable—

- (a) where the vacancy is created by a local authority member, by the authority in whose representation the vacancy arises,
- (b) where the vacancy is created by a member appointed by the Secretary of State, by the Secretary of State,
- (c) where the vacancy is created by a parish member, by the parish councils and parish meetings referred to in Part IV of Schedule 2,

in accordance with the appropriate provisions of Schedule 13 to the 2000 Act and Parts II and III of Schedule 2 to this Order, as the case may be.

(2) Where, by virtue of paragraph 4(4)(a) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a local authority member ceasing to be a member of the local authority, that person shall nevertheless continue to be a local authority member of the Board until—

- (a) notice is given to the Board under article 10(1)(a) of the appointment of a new local authority member of the Board to fill that vacancy, or
- (b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

(3) Where by virtue of paragraph 5(3) or (4) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a parish member of the Board ceasing to be a member of the parish council or chairman of the parish meeting (as the case may be), that person shall nevertheless continue to be a parish member of the Board until—

- (a) notice is given by the Board under paragraphs 22(1)(b) or 25(b) (as the case may be) of Schedule 2 of the appointment of a new parish member of the Board to fill that vacancy, or
- (b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

## **Notice of appointment, etc.** **E+W**

**10.—(1)** Where a member is appointed to the Board, or a vacancy arises in the membership of the Board, for any reason other than resignation—

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

shall as soon as practicable give notice in writing to the Board and that notice shall state the date of his appointment or, as the case may be of the occurrence of the vacancy.

(2) Where a vacancy arises in the membership of the Board for any reason other than resignation and the member giving rise to the vacancy was a parish member, the parish council of which he was a member or the parish meeting of which he was chairman (as the case may be), shall as soon as practicable give notice in writing to the Board and that notice shall state the date of the occurrence of the vacancy.

(3) As soon as practicable after receiving notice under article 8 (resignation) or this article, the Board shall give public notice of—

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

### Removal of members appointed by the Secretary of State **E+W**

11. The Secretary of State may remove from office any member of the Board appointed by her either—

- (a) by giving that member three months' written notice of the termination of the appointment; or
- (b) in such other manner as may be provided for in the terms of that member's appointment.

### Disqualification of members **E+W**

12.—(1) A person is disqualified from becoming or remaining a member of the Board if he holds any paid office or employment, appointments to which are, or may be, made or confirmed by—

- (a) the Board or any council by whom a local authority member of the authority is appointed;
- (b) any committee or sub-committee of the Board or of any such council;
- (c) any joint committee on which the Board or any such council is represented;
- (d) any parish council for, or parish meeting of, a parish the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty;
- (e) any committee or sub-committee of any such parish council or parish meeting;
- (f) any joint committee on which any such parish council or parish meeting is represented; or
- (g) any person himself holding an office or employment which disqualifies him from becoming a member of the Board.

(2) A person is also disqualified from becoming or remaining a member of the Board if he holds any employment in a company which, in accordance with Part V of the 1989 Act other than section 73, would be under the control of the Board.

(3) Section 92 of the 1972 Act (proceedings for disqualification) shall apply in relation to a person who acts or claims to be entitled to act as a member of the Board as it applies in relation to a person who acts or claims to be entitled to act as a member of a local authority, but as if—

- (a) references in that section to a local government elector for the area concerned were references to a local government elector for any area the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty, and
- (b) in subsection (6)(b) of that section (failure to deliver declaration of acceptance of office), the words from “of failure” to “or by reason” were omitted.

(4) Sections 1 to 3 of the 1989 Act (disqualification of persons holding politically restricted posts) shall have effect as if the Board were a local authority for the purposes of Part 1 of that Act.

### Vacation of office for failure to attend meetings **E+W**

13. Section 85 of the 1972 Act (failure to attend meetings) shall apply in relation to the Board as if the Board were a local authority for the purposes of that section.

### Conduct of members and staff **E+W**

14.—(1) Part III of the Local Government Act 2000<sup>M4</sup> (conduct of local government members and employees) shall apply in relation to the Board as if the Board were a relevant authority within the meaning of section 49(6) of that Act.

(2) Until such time as the Board pass a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall apply in relation to the Board as if the Board were a local authority—

- (a) section 31 of the 1989 Act (code of conduct);
- (b) sections 94 to 98 and 105 of the 1972 Act (restrictions on voting on account of interests); and
- (c) section 19 of the 1989 Act (members' interests).

(3) Where the Board have passed a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall, where applicable to the Board, be disapplied as respects the Board—

- (a) section 17(1)(b), (3), (5)(b), (7) and (8) of the Audit Commission Act 1998 <sup>M5</sup>;
- (b) in section 17(2) of that Act, the words “subject to subsection (3)” and paragraphs (a) and (b); and
- (c) section 18 of that Act.

**Marginal Citations**

- M4** 2000 c. 22.
- M5** 1998 c. 18.

**Allowances and time off for members** **E+W**

**15.**—(1) Until such time as the Board shall make a scheme in accordance with Parts 2 and 3 of the Local Authorities (Members' Allowances) (England) Regulations 2003 <sup>M6</sup>, the Board shall be a body to which sections 174 to 176 of the 1972 Act (allowances for travelling, conferences and visits) shall apply.

(2) Section 10 of the 1989 Act (limit on paid leave for local authority duties) shall apply in relation to the Board as if the Board were a relevant council for the purposes of that section.

**Marginal Citations**

- M6** S.I. 2003/1021; regulation 3(1)(j) applies those Regulations to a conservation board of an area of outstanding natural beauty.

**Meetings and proceedings of the Board** **E+W**

**16.** Schedule 3 shall have effect in relation to the meetings and proceedings of the Board.

**Discharge of functions, committees and sub-committees, and staff** **E+W**

**17.**—(1) Sections 101 to 104 and 106 of the 1972 Act (arrangements for committees and sub-committees) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Accordingly, section 13 of the 1989 Act (voting rights of members of certain committees) shall apply as if the Board were a relevant authority for the purposes of that section.

(3) It shall be the duty of the Board in relation to any committee or sub-committee to which this paragraph applies, to secure that—

- (a) the membership of the committee or sub-committee consists at least one local authority member of the Board, one member of the Board appointed by the Secretary of State and one parish member of the Board;

- (b) subject to sub-paragraph (a), the division of members of the Board who are members of the committee or sub-committee between—
- (i) local authority members,
  - (ii) members appointed to the Board by the Secretary of State, and
  - (iii) parish members,
- is (as nearly as possible using whole numbers) in the same proportions as required, by virtue of article 4, in the case of the Board themselves; and
- (c) the quorum of the committee or sub-committee includes at least one local authority member of the Board, one member of the Board appointed by the Secretary of State and one parish member of the Board.
- (4) Paragraph (3) applies to the following committees and sub-committees of the Board except those appointed under section 102(4) or (4A) <sup>M7</sup> of the 1972 Act (advisory committees), that is to say—
- (a) any committee or sub-committee of the Board;
  - (b) any joint committee on which the Board is represented; and
  - (c) any sub-committee of such a joint committee.
- (5) The proceedings of a committee or sub-committee to which paragraph (3) applies shall not be invalidated by any failure of the Board to perform their duty under that paragraph.
- (6) Sections 112 to 119 of the 1972 Act (staff of local authorities) and section 30 of the Local Government (Miscellaneous Provisions) Act 1976 <sup>M8</sup> (power to forgo repayment of remuneration) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.
- (7) The following provisions of the 1989 Act shall apply in relation to the Board as if the Board were a relevant authority for the purposes of those provisions—
- (a) section 4 (designation and reports of head of paid service);
  - (b) section 5 (designation and reports of monitoring officer);
  - (c) section 7 (staff to be appointed on merit);
  - (d) section 8 (standing orders with respect to staff) with the omission of subsection (4)(d) (assistants for political groups); and
  - (e) section 12 (conflict of interest in staff negotiations).

#### Marginal Citations

- M7** Section 102(4A) of the Local Government Act 1972 was inserted by the Local Government and Housing Act 1989, Schedule 11, paragraph 25.
- M8** 1976 c. 57.

#### Chief officer **E+W**

- 18.**—(1) There shall be a chief officer of the Board.
- (2) The first appointment of the chief officer shall be made by the Secretary of State after consultation with the Countryside Agency.
- (3) The Board shall, with the approval of the Secretary of State, make all subsequent appointments of the chief officer of the Board.

### Personal liability of members and staff **E+W**

19. Section 265 of the Public Health Act 1875<sup>M9</sup> (personal liability of members and officers of certain authorities) shall apply as if—

- (a) the Board were an authority such as is mentioned in that section;
- (b) the references in that section to a member of the authority included, in relation to the Board, references to any person who is not such a member but for the time being serves as a member of a committee or sub-committee of the Board;
- (c) the references in that section to the purpose of executing that Act and to the purposes of that Act were each, in relation to the Board, references to the purpose of carrying out the functions of the Board; and
- (d) the words “or rate” were omitted.

#### Marginal Citations

M9 1875 c. 55.

### Liaison with parish councils and parish meetings **E+W**

20. The Board shall make arrangements with—

- (a) the parish councils for parishes the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty, and
- (b) the parish meetings of any of those parishes which do not have separate parish councils,

for the purpose of informing and consulting those councils or meetings about the discharge of the functions of the Board.

### Records, access to meetings and documents, notices and documents **E+W**

21.—(1) The Local Government (Records) Act 1962<sup>M10</sup> shall apply in relation to the Board as if the Board were a local authority for the purposes of that Act.

(2) The following provisions of the 1972 Act—

- (a) Part VA<sup>M11</sup>(access to meetings and documents),
- (b) sections 224 and 225(1) (custody and deposit of documents),
- (c) sections 228 and 229 (inspection of documents and photocopies),
- (d) section 230 (reports and returns),
- (e) sections 231 to 234 (service and authentication of documents), and
- (f) sections 236 to 238 (byelaws),

shall apply as if for the purposes of those provisions the Board were a local authority or, in the case of Part VA and section 224, a principal council, and as if any reference in those provisions to the proper officer of the authority were a reference to the chief officer of the Board.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (evidence of resolutions and minutes of proceedings) shall apply as if the Board were a local authority for the purposes of that Act.

(4) Where the Board have made any byelaws and those byelaws have been confirmed, the Board shall send a copy of the byelaws as confirmed to each local authority specified in Schedule 1.

### Marginal Citations

**M10** 1962 c. 56.

**M11** Part VA of the 1972 Act was inserted by the [Local Government \(Access to Information\) Act 1985](#) (c. 43), [section 1](#).

### Reports and returns **E+W**

**22.** The Board shall, if so requested by the Secretary of State, forthwith give to—

- (a) the Countryside Agency,
- (b) each local authority specified in Schedule 1,
- (c) English Nature, and
- (d) each parish council and parish meeting specified in Part IV of Schedule 2,

a copy of any report, return or information which the Board is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act (reports and returns).

### Financial administration and accounts, etc. **E+W**

**23.—**(1) Sections 151 (financial administration) and 168 (financial returns) of the 1972 Act shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Subject to paragraphs (3) and (4), the Board shall—

- (a) keep a fund (to be known as the general fund) to which all income of the Board 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.

(3) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Board to keep—

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

(4) Nothing in paragraph (2)(a) shall be construed as requiring or authorising the Board to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with any enactment or instrument applicable to the undertaking.

### [<sup>F3</sup>Retirement Benefits **E+W**

**23A.** Regulation 30 (retirement benefits) of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 shall apply in relation to the Board as if the Board were a local authority for the purposes of that regulation.]

### Textual Amendments

**F3** [Art. 23A](#) inserted (25.6.2009) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) \(Amendment\) Order 2009](#) (S.I. 2009/1579), arts. 1(b), [2](#)

### Maladministration **E+W**

**24.** The Board shall be an authority to which Part III of the Local Government Act 1974 <sup>M12</sup> (local government administration) applies.



**Marginal Citations**

**M12** 1974 c. 7.

**PART III** **E+W**

*Concurrent functions of the Board*

**Concurrent functions** **E+W**

**25.**—(1) On and after the operative day the functions to which paragraph (2) applies shall be exercisable concurrently by a local authority specified in Schedule 1 and by the Board.

(2) This paragraph applies to the functions of any local authority, so far as relating to the Cotswolds Area of Outstanding Natural Beauty, under the following enactments—

- (i) section 164 of the Public Health Act 1875 <sup>M13</sup> (places of public recreation) as applied by section 180 of the 1972 Act;
- (ii) sections 1 to 3 of the Commons Act 1899 <sup>M14</sup> (regulation of commons);
- (iii) section 15 of the Open Spaces Act 1906 <sup>M15</sup> (byelaws for regulation of open spaces etc.);
- (iv) section 194 of the Law of Property Act 1925 <sup>M16</sup> (restriction on enclosure of Commons);
- (v) section 12 of the National Parks and Access to the Countryside Act 1949 <sup>M17</sup> (provision for accommodation, refreshments, camping sites, and parking places);
- (vi) section 21 of the National Parks and Access to the Countryside Act 1949 (establishment of nature reserves);
- (vii) section 64 of the National Parks and Access to the Countryside Act 1949 (access agreements);
- (viii) sections 89(1) to 89(4) of the National Parks and Access to the Countryside Act 1949 (tree planting and treatment of derelict land);
- (ix) section 90 of the National Parks and Access to the Countryside Act 1949 (byelaws);
- (x) section 92 of the National Parks and Access to the Countryside Act 1949 (wardens);
- (xi) section 99 of the National Parks and Access to the Countryside Act 1949 (contributions towards expenditure);
- (xii) section 235 of the 1972 Act (byelaws for good rule and government and suppression of nuisances);
- (xiii) section 23 of the Caravan Sites and Control of Development Act 1960 <sup>M18</sup> (power to prohibit caravans on commons);
- (xiv) section 24 of the Caravan Sites and Control of Development Act 1960 (power to provide sites for caravans);
- (xv) section 9 of the Commons Registration Act 1965 <sup>M19</sup> (protection of unclaimed common land);
- (xvi) section 4 of the Countryside Act 1968 <sup>M20</sup> (experimental projects or schemes);
- (xvii) section 7 of the Countryside Act 1968 (provision of country parks);
- (xviii) section 9 of the Countryside Act 1968 (powers over or near common land);
- (xix) section 10(1) to (3) of the Countryside Act 1968 (camping and picnic sites);
- (xx) section 27(1) and (4) of the Countryside Act 1968 (signposting of footpaths and bridleways);

- (xxi) section 41 of the Countryside Act 1968 (byelaws and wardens);
- (xxii) section 43 of the Countryside Act 1968 (general provisions as to powers);
- (xxiii) section 45 of the Countryside Act 1968 (agreements with landowners);
- (xxiv) sections 6 and 8 of the Refuse Disposal (Amenity) Act 1978 <sup>M21</sup> (removal and disposal of certain refuse);
- (xxv) section 11 of the Ancient Monuments and Archaeological Areas Act 1979 <sup>M22</sup> (acquisition of ancient monuments);
- (xxvi) sections 12 to 17 of the Ancient Monuments and Archaeological Areas Act 1979 (guardianship of ancient monuments);
- (xxvii) sections 19 and 20 of the Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control);
- (xxviii) section 21 of the Ancient Monuments and Archaeological Areas Act 1979 (transfer of ownership and guardianship of ancient monuments);
- (xxix) section 25 of the Highways Act 1980 <sup>M23</sup> (creation of footpath or bridleway by agreement);
- (xxx) section 62 of the Wildlife and Countryside Act 1981 <sup>M24</sup> (appointment of wardens for public rights of way);
- (xxxi) section 5(1), (4) and (7) of the Litter Act 1983 <sup>M25</sup> (litter bins);
- (xxxii) sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 <sup>M26</sup> (urgent works to preserve unoccupied listed buildings and recovery of expenses);
- (xxxiii) sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (grants for repair and maintenance); and
- (xxxiv) section 94 of the 2000 Act (local access forums).

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**Marginal Citations**

- M13** 1875 c. 55.
- M14** 1899 c. 30.
- M15** 1906 c. 25.
- M16** 1925 c. 20.
- M17** 1949 c. 97.
- M18** 1960 c. 62.
- M19** 1965 c. 64.
- M20** 1968 c. 41.
- M21** 1978 c. 3.
- M22** 1979 c. 46.
- M23** 1980 c. 66.
- M24** 1981 c. 69.
- M25** 1983 c. 35.
- M26** 1990 c. 9.

## PART IV **E+W**

### *Incidental, supplemental, consequential and transitional provisions*

#### **Land, enforceability of covenants** **E+W**

26. Section 33 of the Local Government (Miscellaneous Provisions) Act 1982<sup>M27</sup> (enforceability by local authorities of certain covenants relating to land) shall have effect as if references to a principal council included references to the Board; and for the purposes of this paragraph the reference in subsection (1) of that section to section 111 of the 1972 Act shall have effect as a reference to the powers and functions of the Board.

#### **Marginal Citations**

M27 1982 c. 30.

#### **Agreements as to incidental matters** **E+W**

27.—(1) The Board may from time to time make agreements in consequence of this Order with any public body (within the meaning of section 85(3) of the 2000 Act) with respect to—

- (a) any property, income, rights or liabilities (so far as affected by this Order) of the parties to the agreement; or
- (b) any financial relations between those parties.

(2) Such an agreement may provide—

- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for joint use of any property;
- (b) for the making of payments by any party to the agreement in respect of—
  - (i) property, rights and liabilities transferred or retained;
  - (ii) the joint use of any property; or
  - (iii) remuneration or compensation payable to any person.

(3) In default of agreement as to any disputed matter, the matter shall be referred to the arbitration of a single arbitrator agreed on by the parties or, in default of agreement, appointed by the Secretary of State; and the award of the arbitrator may make any provision which might be contained in an agreement under this article.

(4) In paragraph 3 “disputed matter” means any matter which might be the subject of provision contained in an agreement under this article.

#### **Borrowing** **E+W**

28.—(1) Subject to paragraph (3), the Board may, with the approval of the Secretary of State, borrow money—

- (a) for any purpose relevant to their functions under any enactment, or
- (b) for the purposes of the prudent management of their financial affairs.

(2) The approval of the Secretary of State under paragraph (1) may be given subject to conditions or limitations.

(3) The Board may borrow by way of temporary loan or overdraft from a bank or otherwise such money as the Board may temporarily require for the purpose of meeting expenses pending the

receipt of revenues receivable by them in respect of the period of account in which the expenses are chargeable.

(4) A person lending money to the Board shall not be bound to enquire whether the Board have power to borrow the money and shall not be prejudiced by the absence of any such power.

### Miscellaneous transactions and powers **E+W**

**29.**—(1) The following provisions of the 1972 Act shall have effect as if the Board were a principal council for the purposes of that Act and as if the Cotswolds Area of Outstanding Natural Beauty were the authority's area—

- (a) section 132 (provision of premises for public meetings);
- (b) section 135 (contracts of local authorities);
- (c) section 136 (contributions towards expenditure on concurrent functions);
- (d) section 139 (acceptance of gifts of property);
- (e) sections 140, 140A and 140C (insurance);
- (f) sections 141 (research and the collection of information) and 142 (provision of information, etc.);
- (g) section 144 (power to encourage visitors and provide conference and other facilities); and
- (h) sections 222 and 223 (conduct of prosecutions and participation in other legal proceedings).

(2) Section 38 of the Local Government (Miscellaneous Provisions) Act 1976 <sup>M28</sup> (use of spare capacity of local authority computers) shall have effect as if the Board were a local authority for the purposes of that Act.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (lost property) shall have effect as if the Board were a local authority for the purposes of that Act.

(4) Section 45 of the Local Government (Miscellaneous Provisions) Act 1982 (arrangements under the Employment and Training Act 1973 <sup>M29</sup>) shall have effect as if the Board were a local authority to which that section applies.

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#### Marginal Citations

**M28** 1976 c. 57.

**M29** 1973 c. 50.

### Supply of goods and services **E+W**

**30.** The Local Authorities (Goods and Services) Act 1970 <sup>M30</sup> (supply of goods and services by local authorities) shall have effect as if the Board were both a local authority and a public body for the purposes of that Act.

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#### Marginal Citations

**M30** 1970 c. 39.

## Power to execute works outside the Cotswolds Area of Outstanding Natural Beauty **E+W**

31. Any power to execute works which is conferred on the Board by virtue of this Order or any other enactment shall be taken, except in so far as the contrary intention appears, to include power, for the purposes of the carrying out of the Board's functions, to execute works of the relevant description outside, as well as inside, the Cotswolds Area of Outstanding Natural Beauty.

## Power to promote Bills **E+W**

32.—(1) Subject to paragraph (2), section 239 of the 1972 Act (power of local authority to promote local or personal Bills) shall have effect in relation to the Board as if the Board were a local authority for the purposes of that Act.

(2) The Board shall have no power to promote a Bill for—

- (a) modifying the Cotswolds Area of Outstanding Natural Beauty;
- (b) modifying the Board's own constitution; or
- (c) modifying the status or the electoral arrangements of any of the local authorities, parish councils or parish meetings mentioned, or referred to, in articles 5 and 6.

(3) In sub-paragraph (2) above—  
“electoral arrangements” means any electoral arrangements within the meaning of section 14(4) of the Local Government Act 1992 <sup>M31</sup>.

### Marginal Citations

M31 1992 c. 19.

## Restrictions on publicity **E+W**

33. Part II of the Local Government Act 1986 <sup>M32</sup> (restrictions on publicity) shall have effect as if the Board were a local authority for the purposes of that Part.

### Marginal Citations

M32 1986 c. 10.

## Contracting out **E+W**

34. Part II of the Deregulation and Contracting Out Act 1994 <sup>M33</sup> (contracting out) shall have effect as if the Board were a local authority for the purposes of that Part.

### Marginal Citations

M33 1994 c. 40.

## Continuity of exercise of functions **E+W**

35.—(1) The concurrent exercise of functions by the Board under article 25 shall not affect the validity of anything done in relation to any of those functions before the operative day.

(2) Where in relation to any function to which article 25 applies, the Board continue, on or after the operative day, any action or matter commenced by a local authority, anything done by that

authority in relation to that action or matter shall, so far as is required for continuing its effect on or after the operative day, have effect as if done by the Board.

(3) Any reference, however framed, to a local authority in any document relating to any of the functions to which article 25 applies shall, so far as is required for giving effect to this article, be construed as a reference to the Board.

**Transfer of staff** E+W

**36.** The provisions of Schedule 4 shall have effect.

Signed on behalf of the Secretary of State

*Ben Bradshaw*  
Parliamentary Under-Secretary of  
State  
Department for Environment, Food and  
Rural Affairs

**Changes to legislation:**

There are currently no known outstanding effects for the The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004.