

## SCHEDULE 4

Article 17

### TRANSITIONAL AND SUPPLEMENTAL PROVISION

#### **Access to the countryside**

1. Notwithstanding subsection (2) of section 1 of the 2000 Act<sup>(1)</sup> (principal definitions for Part 1), the Authority becomes the access authority for the purposes of Part 1 of that Act in relation to land in the National Park on the operational date, and until that date the local highway authority (within the meaning of section 45(1) of that Act) in whose area the land is situated continues to be the access authority for those purposes.

2. Notwithstanding subsection (5) of section 21 of the 2000 Act<sup>(2)</sup> (interpretation of Chapter 2), the Authority becomes the relevant authority for the purposes of Chapter 2 of Part 1 of the 2000 Act (exclusion or restriction of access) on the operational date (save as provided in section 21(6) of that Act), and until that date Natural England is the relevant authority for those purposes.

3. Notwithstanding subsection (2)(b) of section 94 of the 2000 Act (local access forums), the Authority becomes the appointing authority for the area of the National Park on the operational date, and until that date the local highway authority (within the meaning of that section) for any area within the National Park continues to be the appointing authority for that area.

#### **Disclosure of officers' interests**

4. For the purposes of section 117 of the 1972 Act<sup>(3)</sup> (disclosure by officers of interests in contracts) any contract—

- (a) which was entered into by a South Downs local authority, and
- (b) to which the Authority becomes a party by virtue of this Order or any provision made under Part 3 of the 1995 Act,

will be treated as a contract entered into by the Authority.

#### **Application of directions etc. to the Authority**

5.—(1) This paragraph applies where under any provision relating to any relevant functions the Secretary of State may give directions or issue guidance to a South Downs local authority, or may otherwise make a decision affecting the exercise of such functions in relation to such an authority.

(2) Where this paragraph applies, the Secretary of State may give such directions or issue such guidance to the Authority, or make any such decision affecting the exercise of functions by the Authority, during the transitional period if and to the extent that doing so is consistent with the powers and duties conferred and imposed upon the Authority.

#### **Duty of South Downs local authorities to assist the Authority**

6. Each South Downs local authority must provide the Authority with such assistance and information as the Authority may reasonably request for the purposes of discharging any of its functions.

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(1) See the definition of “access authority” in section 1(2) of the 2000 Act. Section 1(2) was amended by section 303(2) of the [Marine and Coastal Access Act 2009 \(c.23\)](#).

(2) See the definition of “relevant authority” in section 21(5) and (6) of the 2000 Act.

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

### **Access to information**

7.—(1) The right conferred by this paragraph is exercisable by the Authority against any South Downs local authority.

(2) Upon giving reasonable notice, the Authority may at all reasonable times inspect and take copies of recorded information so far as reasonably necessary for the proper discharge of its functions, wherever, and in whatever form, such information is held.

(3) The South Downs local authority holding the information must supply all such information and assistance as may reasonably be required.

### **Registers and similar records required to be maintained**

8.—(1) This paragraph applies where the Authority does not receive from a South Downs local authority all of the material comprised in any register maintained by that local authority so far as relevant to the National Park.

(2) Upon giving reasonable notice, the Authority may at all reasonable times inspect such material as is referred to in sub-paragraph (1) which it has not received, to enable copies to be taken or information to be extracted.

(3) In fulfilling its obligation to maintain a register, the 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 the certified copy or extract may be maintained as the register, or as the case may be, part of the register, that the Authority is required to maintain.

(4) 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 or hold.

### **Interim monitoring officer**

9.—(1) If, at the time of the first meeting of the Authority convened and held in accordance with paragraph 1 of Schedule 1 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<sup>(4)</sup> (designation and reports of monitoring officer), it must appoint an interim monitoring officer.

(2) The Authority may not appoint as its interim monitoring officer—

- (a) a person who holds any other paid office or employment with it; or
- (b) a member of the Authority.

(3) Subject to the provisions of this paragraph, section 5 of the 1989 Act and Part 3 of the Local Government Act 2000<sup>(5)</sup> (conduct of local government members and employees) apply to the interim monitoring officer as they apply to a monitoring officer, and the interim monitoring officer is, for all purposes, to be treated as the Authority’s monitoring officer.

(4) The interim monitoring officer may be paid such remuneration and allowances (if any) as the Authority sees fit.

(5) The duties of the interim monitoring officer may not be delegated.

(6) During the period of appointment of any person as an interim monitoring officer, that person may not be appointed to any other paid office or employment with the Authority.

(7) Any person who ceases to be the interim monitoring officer may not be appointed to any paid office or employment with the Authority until 1st April 2011.

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<sup>(4)</sup> 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.

<sup>(5)</sup> 2000 c. 22.

- (8) The Authority may revoke the appointment of the interim monitoring officer if the officer—
- (a) becomes bankrupt or makes an arrangement with the officer’s creditors; or
  - (b) is, in the opinion of the Authority, unable or unfit to discharge the duties of an interim monitoring officer.

(9) If the appointment of the interim monitoring officer is ended for a reason other than the designation of a monitoring officer, the Authority, unless it designates a monitoring officer, must appoint a further person as interim monitoring officer, and the provisions of this paragraph apply to that further appointment.

### **Codes of conduct**

**10.** Section 51 of the Local Government Act 2000 (duty of relevant authorities to adopt codes of conduct) has effect with the following modifications—

- (a) in subsection (1), for “a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made” substitute—  
“the South Downs National Park Authority, before the end of the period of six months beginning with the establishment date”<sup>(6)</sup>; and
- (b) in subsection (2), for “a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made” substitute—  
“the South Downs National Park Authority, before the end of the period of six months beginning with the day on which any order under section 50 which applies to that Authority is made after the establishment date”.

### **Planning and compulsory purchase**

**11.** Notwithstanding subsection (5) of section 37 of the Planning and Compulsory Purchase Act 2004<sup>(7)</sup> (interpretation), the Authority becomes the local planning authority for the area of the National Park for the purposes of Part 2 of that Act (local development) on the operational date, and, until that date, section 37(4) of that Act continues to apply in respect of the area of the National Park.

### **Members’ allowances**

**12.—**(1) The Local Authorities (Members’ Allowances) (England) Regulations 2003<sup>(8)</sup> apply to the Authority from the establishment date subject to the following modifications.

(2) Notwithstanding regulation 10 of those Regulations (requirements for schemes), the Authority must, on or before 30th June 2010, make a scheme in accordance with those Regulations for the year ending 31st March 2011.

(3) The scheme made by the Authority as required by sub-paragraph (2) may make provision for any allowance payable in accordance with that scheme to be paid as if the scheme had been in force since the establishment date.

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(6) The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159) applies to National Park authorities (see article 1(2) of that Order.

(7) 2004 c. 5.

(8) S.I. 2003/1021 to which there are amendments not relevant to this Order.