



National Parks (Scotland) Act 2000

2000 asp 10

Creation of National Parks

6 Making of designation orders

- (1) Following the publication of—
 - (a) a report under section 3 or, as the case may be, a statement under section 4, and
 - (b) where an inquiry is held in pursuance of section 5, the report of the person appointed to hold the inquiry,the Scottish Ministers may (but need not) make an order under this section (a “designation order”), either in terms of the National Park proposal or with such modifications as they think fit.
- (2) In considering whether to make a designation order, and what the terms of any order should be, the Scottish Ministers must have regard to—
 - (a) the report or statement mentioned in subsection (1)(a), and
 - (b) any such report as is mentioned in subsection (1)(b).
- (3) Before laying a draft of a designation order before the Parliament in pursuance of section 34(5), the Scottish Ministers must—
 - (a) send a copy of the proposed draft order to every local authority any part of whose area is within the area identified in the order for designation as a National Park (“the proposed National Park area”),
 - (b) determine the period (which must be at least 12 weeks) for which it is to be made available for public inspection under subsection (4) and notify every such local authority of that period,
 - (c) publicise it in such manner as they think fit,
 - (d) lay it before the Parliament, and
 - (e) consult—
 - (i) every such local authority,
 - (ii) every community council any part of whose area is within the proposed National Park area,
 - (iii) such persons as appear to them to be representative of the interests of those who live, work or carry on business in the proposed National Park area, and

- (iv) such other persons as they think fit,
on the proposed draft order.
- (4) A local authority receiving a copy of a proposed draft order under subsection (3)(a) must make it available for public inspection for the period referred to in subsection (3)(b).
- (5) The Scottish Ministers must take into account—
 - (a) any views on the proposed draft order expressed by those consulted under subsection (3)(e), and
 - (b) any comments on it received within the period referred to in subsection (3)(b), and may adjust it in light of such views and comments.
- (6) When laying a draft of a designation order before the Parliament in pursuance of section 34(5), the Scottish Ministers must also lay a statement giving details of—
 - (a) the views and comments mentioned in subsection (5), and
 - (b) the changes (if any) which, in light of such views and comments, the Scottish Ministers have made to the proposed draft order.

7 Designation orders: further provisions

- (1) A designation order must—
 - (a) designate as a National Park the area identified in the order,
 - (b) provide for the establishment of a National Park authority for the Park to exercise the functions conferred on the authority by virtue of this Act,
 - (c) specify the number of members of the authority and, in relation to the members to be appointed on the nomination of local authorities, the authorities which are to nominate them and the number of members to be nominated by each authority, and
 - (d) specify the matters mentioned in paragraph 3(2) and (5) of schedule 1.
- (2) The order may identify the area to be designated by reference to a deposited map.
- (3) In subsection (2), “deposited map” means a map prepared for the purposes of the order and laid before the Parliament.
- (4) A designation order must provide for the functions exercisable by the National Park authority by virtue of the order to be so exercisable from such dates as the order may specify; and different dates may be specified for different functions or for different purposes.
- (5) The Scottish Ministers must send a copy of the designation order and any deposited map to every local authority any part of whose area is within the area designated as a National Park; and every such local authority must keep the order and any such map available for public inspection.

8 National Park authorities: constitution etc

Schedule 1, which makes provision about the constitution etc. of National Park authorities, has effect.