

SCHEDULES

SCHEDULE 13

Section 86(2).

AREAS OF OUTSTANDING NATURAL BEAUTY: CONSERVATION BOARDS

Interpretation

- 1 In this Schedule—
- “an English conservation board” means a conservation board for an area of outstanding natural beauty in England;
 - “the relevant order”, in relation to a conservation board, means—
 - (a) the order under section 86 establishing that board,
 - (b) any order under that section relating to that board, or
 - (c) any order made in relation to that board in exercise of the power to amend an order under that section.

Status and constitution of conservation boards

- 2 A conservation board shall be a body corporate.
- 3 (1) A conservation board shall consist of—
 - (a) such number of local authority members as may be specified in the relevant order,
 - (b) such number of members to be appointed by the Secretary of State or the National Assembly for Wales as may be so specified, and
 - (c) in the case of an English conservation board, such number of parish members as may be so specified.
- (2) The numbers specified in the relevant order for any conservation board in relation to the membership of the board must be such that—
 - (a) the number of local authority members is at least 40 per cent. of the total number of members, and
 - (b) in the case of an English conservation board, the number of parish members is at least 20 per cent. of the total number of members.

Local authority members

- 4 (1) The local authority members of a conservation board shall be appointed in accordance with the provisions of the relevant order.
- (2) The relevant order must provide either—
 - (a) for the local authority members to be appointed by such of the local authorities for areas wholly or partly comprised in the area of outstanding natural beauty as may be specified in or determined under the order (“the relevant councils”), or

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- (b) for the local authority members to be appointed by such of the relevant councils as may be determined in accordance with a scheme contained in the relevant order.
- (3) A person shall not be appointed as a local authority member of a conservation board unless he is a member of a local authority the area of which is wholly or partly comprised in the relevant area of outstanding natural beauty; and, in appointing local authority members of a conservation board, a local authority shall have regard to the desirability of appointing members of the authority who represent wards, or (in Wales) electoral divisions, situated wholly or partly within the relevant area of outstanding natural beauty.
- (4) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his membership of any local authority is appointed as a local authority member of a conservation board—
 - (a) he shall hold office from the time of his appointment until he ceases to be a member of that authority; but
 - (b) his appointment may, before any such cessation, be terminated for the purposes of, and in accordance with, sections 15 to 17 of the Local Government and Housing Act 1989 (political balance).
- (5) Sub-paragraph (4)(a) shall have effect so as to terminate the term of office of a person who, on retiring from any local authority, immediately becomes such a member again as a newly elected councillor; but a person who so becomes a member again shall be eligible for re-appointment to the conservation board.
- (6) The appointment of any person as a local authority member of a conservation board may provide that he is not to be treated for the purposes of sub-paragraph (4) as qualifying for his appointment by virtue of his membership of any local authority other than that specified in the appointment.
- (7) In paragraph 2(1) of Schedule 1 to the Local Government and Housing Act 1989 (bodies to which appointments have to be made taking account of political balance), after paragraph (ba) there is inserted—
 - “(bb) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;”.

Parish members

- 5 (1) The parish members of an English conservation board shall be appointed in accordance with the provisions of the relevant order, by—
 - (a) the parish councils for parishes the whole or any part of which is comprised in the relevant area of outstanding natural beauty, and
 - (b) the parish meetings of any of those parishes which do not have separate parish councils.
- (2) A person shall not be appointed as a parish member of an English conservation board unless he is—
 - (a) a member of the parish council for a parish the whole or any part of which is comprised in the relevant area of outstanding natural beauty, or
 - (b) the chairman of the parish meeting of a parish—
 - (i) which does not have a separate parish council, and

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- (ii) the whole or any part of which is comprised in the relevant area of outstanding natural beauty.
- (3) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his membership of a parish council is appointed as a parish member of an English conservation board, he shall hold office from the time of his appointment until he ceases to be a member of that parish council.
- (4) Subject to the following provisions of this Schedule and to the provisions of the relevant order, where a person who qualifies for his appointment by virtue of his being the chairman of a parish meeting is appointed as a parish member of an English conservation board, he shall hold office from the time of his appointment until he ceases to be the chairman of that parish meeting.
- (5) Sub-paragraph (3) or (4) shall not have effect so as to terminate the term of office of a person who retires from a parish council, or ceases to be the chairman of a parish meeting, until such time as may be determined by the Secretary of State or the National Assembly for Wales in accordance with the relevant order.
- (6) A person who—
- (a) on retiring from a parish council, or
 - (b) on ceasing to be the chairman of a parish meeting,
- becomes a member of the parish council again as a newly elected councillor or, as the case may be, is elected to succeed himself as chairman of any parish meeting is eligible for re-appointment to the conservation board at the time mentioned in sub-paragraph (5).

Members appointed by the Secretary of State or the National Assembly for Wales

- 6 (1) Before appointing any person as a member of a conservation board, the Secretary of State shall consult the Agency.
- (2) Before appointing any person as a member of a conservation board, the National Assembly for Wales shall consult the Council.
- (3) Subject to the following provisions of this Schedule and to the provisions of the relevant order, a person appointed as a member of a conservation board by the Secretary of State or the National Assembly for Wales—
- (a) shall hold office for such period of not less than one year nor more than three years as may be specified in the terms of his appointment; but
 - (b) on ceasing to hold office shall be eligible for re-appointment.
- (4) The term of office of a person appointed by the Secretary of State or the National Assembly for Wales to fill such a vacancy in the membership of a conservation board as occurs where a person appointed by the Secretary of State or the Assembly ceases to be a member of the board before the end of his term of office may be for a period of less than one year if it is made to expire with the time when the term of office of the person in respect of whom the vacancy has arisen would have expired.
- (5) Subject to the provisions of this Schedule and of the relevant order, a member of a conservation board appointed by the Secretary of State or the National Assembly for Wales shall hold office in accordance with the terms of his appointment.

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Chairman and deputy chairman

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- (1) The members of a conservation board shall elect, from amongst their members, both a chairman and a deputy chairman of the board.
 - (2) Subject to sub-paragraphs (3) and (4), the chairman and deputy chairman of a conservation board shall be elected for a period not exceeding one year; but a person so elected shall, on ceasing to hold office at the end of his term of office as chairman or deputy chairman, be eligible for re-election.
 - (3) A person shall cease to hold office as chairman or deputy chairman of a conservation board if he ceases to be a member of the board.
 - (4) Where a vacancy occurs in the office of chairman or deputy chairman of a conservation board, it shall be the duty of the members of that board to secure that the vacancy is filled as soon as possible.

Audit

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- In Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit) in paragraph 1 after paragraph (j) there is inserted—
- “(jj) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;”.