

SCHEDULE 5

Article 18

APPLICATION OF ENACTMENTS AND INSTRUMENTS

PART I

ADMINISTRATION

Members' allowances

1. In section 175 of the 1972 Act(1) (allowances for attending conferences and meetings), subsection (3B) shall have effect as if a National Park authority were a combined body all the members of which are representatives of local authorities.

2. In section 177 of the 1972 Act(2) (supplementary provisions) paragraph (b) of subsection (1) shall have effect as if a National Park authority were a body specified in section 21(1) of the 1989 Act, as referred to in paragraph (a) of that subsection.

Expenditure on publicity

3. Section 5(1) of the Local Government Act 1986(3) does not apply to any expenditure incurred by a National Park authority in the financial year beginning on 1st April 1996 where that authority resolves as soon as reasonably practicable after the establishment date not to spend more than £3,000 on publicity, and that limit is not exceeded by that authority in the course of that year.

Financial administration

4.—(1) Part VIII (financial administration) of the Local Government Act 1988(4) (“the 1988 Act”) shall apply to a National Park authority as if—

- (a) that authority were a relevant authority for the purposes of that Part; and
- (b) references to “the commencement day” were references to 1st April 1997.

(2) Section 113(2)(b) (qualifications) shall have effect in relation to the person having responsibility, under section 151 of the 1972 Act(5), for the administration of the financial affairs of a National Park authority as if that authority were an authority mentioned in section 112(2)(a) to (k) of the 1988 Act.

Standing orders

5. Subject to paragraph 10 of Schedule 7, in the Local Authorities (Standing Orders) Regulations 1993(6)—

- (a) regulations 1 to 3 shall apply as if a National Park authority were a relevant authority within the meaning of regulation 1;

(1) Subsection (3B) is inserted by section 25(3) of the Local Government, Planning and Land Act 1980 (c. 65), and amended by paragraph 27(b) of Schedule 11 to the 1989 Act. Section 175 applies to National Park authorities by virtue of paragraph 11(1) of Schedule 7 to the 1995 Act.

(2) Subsection (1) of section 177 was substituted by paragraph 28(2) of Schedule 11 to the 1989 Act and amended by S.I.1994/446.

(3) c.10. Paragraph 9 of Schedule 8 to the 1995 Act provides for a National Park authority to be treated as a local authority of the purposes of Part II (restrictions on publicity) of the 1986 Act.

(4) 1988 c. 41.

(5) Section 151 is applied to National Park authorities by paragraph 13(6) of Schedule 7 to the 1995 Act.

(6) S.I. 1993/202.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) regulation 4 shall apply as if a National Park authority were a council mentioned in paragraph (1) of that regulation; and
- (c) paragraph 2 of Schedule 2 shall apply as if the reference to a meeting called under paragraph 3 of Schedule 12 to the 1972 Act were a reference to an extraordinary meeting of a National Park authority.

PART II

MISCELLANEOUS FUNCTIONS

Water

6.—(1) Schedule 11 to the Water Industry Act 1991(7) shall apply as if a National Park authority were a local authority for the purposes of paragraph 1(3)(b) (persons to be notified of compulsory works order application).

(2) The Water Resources Act 1991(8) shall apply as if—

- (a) in section 72(2)(a) (watercourses excluded from provisions of the Act) at the end there were added—
 - “(v) a National Park authority.”;
- (b) in section 158(1) (works agreements), section 197(5) (information), paragraph 2(3)(a) of Schedule 5 (procedure) and paragraph 1(4)(b) of Schedule 6 (exemption orders), after the words“local authority” there were in each case inserted “National Park authority.”.

Transport and Works Act 1992

7. The Transport and Works Act 1992(9) shall apply as if a National Park authority were a local authority for the purposes of section 11(4) (inquiries and hearings).

Commons

8. The Commons (Schemes) Regulations 1982(10) shall apply to a National Park authority—

- (a) as if it were a council for the purposes of the Regulations, and
- (b) as if in forms 1 and 2 in the Schedule references to the National Park authority were substituted for references to the Council.

Areas of archaeological importance

9. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(11) shall have effect in relation to any area of archaeological importance wholly or partly within a National Park as if for each reference to a district council there were substituted a reference to the National Park authority in relation to that National Park.

(7) 1991 c. 56.

(8) 1991 c. 57.

(9) 1992 c. 42.

(10) S.I. 1982/209. Paragraph 1 of Schedule 9 to the 1995 act provides that section 1 of the commons act 1899 (c. 30) shall have effect in relation to a registered common as if a National Park authority were a local authority for the purposes of that enactment.

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

Disposal of abandoned vehicles

10. The Removal and Disposal of Vehicles Regulations 1986(12) shall apply as if in paragraph (aa) of regulation 12(1) after “Local Government Act 1985” there were inserted “or a National Park authority”.

Set-aside

11. The Set-Aside Regulations 1988(13) shall apply as if the definition of National Park authority in regulation 2(1) included a National Park authority established by this Order.

Listed building purchase notices

12. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(14) shall apply as if—

- (a) in regulation 9(1) (claims for compensation and listed building purchase notices) after the word “borough” there were inserted “or National Park authority”; and
- (b) in paragraph (2) of the form set out in Part II of Schedule 1 (notification of refusal of consent) after the words “City of London” there were inserted “or, where the land is situated in a National Park, on the National Park authority for that Park”.

Litter control

13. The Litter Control Areas Order 1991(15) shall apply as if a National Park authority were a body mentioned in paragraph (1)(j) of article 2 (land which may be designated as a litter control area).

Conservation (natural habitats)

14. The Conservation (Natural Habitats &c.) Regulations 1994(16) shall apply as if the definition of “local authority” in regulation 6(3) (competent authorities) included a reference to a National Park authority.

Town and country planning

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

16. The Town and Country Planning (General Development Procedure) Order 1995(18) shall apply as if in Part 2 of Schedule I to the Order (notification or refusal, etc.) in the final paragraph after the words “City of London” there were inserted “or, where the land is situated in a National Park, the National Park authority for that Park”.

(12) S.I. 1986/183. 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 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.

(13) S.I. 1988/1352.

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

(15) S.I. 1991/1325.

(16) S.I. 1994/2716.

(17) S.I. 1992/1492.

(18) S.I. 1995. 419. Section 67(5) of the Act inserts section 147A of the Town and Country Planning Act 1990 (c. 8) which applies Chapter I of Part VI of that Act to National Parks.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*