

Draft Order laid before the Scottish Parliament under section 34(5) of the National Parks (Scotland) Act 2000 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

COUNTRYSIDE

The Cairngorms National Park Designation,
Transitional and Consequential Provisions
(Scotland) Order 2003 Modification Order 2010

Made - - - - 2010

Coming into force - - 2nd October 2010

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30(1) and 34(2) and (4) of the National Parks (Scotland) Act 2000(1) and all other powers enabling them to do so.

In accordance with section 4 and as required by section 30(4) of that Act the Scottish Ministers have prepared and published a statement and laid it before the Scottish Parliament.

As required by section 6(2) of that Act the Scottish Ministers have had regard to the statement prepared by them under section 4 of that Act.

They have also complied with section 6(3), (5) and (6) of that Act.

In accordance with section 34(5) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 Modification Order 2010 and comes into force on 2nd October 2010.

Modifications to the 2003 Order

2.—(1) The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003(2) is modified as follows.

(1) 2000 asp 10.
(2) S.S.I. 2003/1.

(2) In article 3 (designation of National Park) after “map” insert “laid before the Scottish Parliament on 18th June 2010”.

(3) In article 5 (constitution of the Authority)—

- (a) in paragraph (1) for “25” substitute “19”;
- (b) in paragraph (3) for “Five” substitute “Four”;
- (c) in paragraph (4)(a) for “five” substitute “two” and for “two local members” substitute “one local member”;
- (d) in paragraph (4)(b) for “three” substitute “two”;
- (e) in paragraph (4)(c) omit “and”; and
- (f) at the end of paragraph (4)(d) insert—
“;and
(e) one member is to be nominated by Perth and Kinross Council”.

(4) In article 7 (planning functions) omit paragraph (18).

Consequential modification of the Land Reform (Scotland) Act 2003

3. The definition of “local authority” in section 32 (interpretation of Part 1) of the Land Reform (Scotland) Act 2003(3) is to be read as if this Order had been in force on the day on which that section came into force.

St Andrew’s House,
Edinburgh
Date

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (“the 2003 Order”).

Article 2(2) of this Order modifies the 2003 Order by altering the reference in article 3 to refer to the new deposited map with the effect that the southern boundary of the Cairngorms National Park is extended into Perth and Kinross.

Article 2(3) of this Order alters the constitution of the Cairngorms National Park Authority (“the Authority”) by modifying article 5 of the 2003 Order so that the number of members is reduced from 25 to 19. It also reduces the number of members nominated by Highland Council and Aberdeenshire Council and provides for Perth and Kinross Council to nominate one member.

Article 2(4) of this Order deletes article 7(18) of the 2003 Order which provided that the Authority establish a planning committee.

Article 3 of this Order contains a consequential modification in relation to the definition of “local authority” contained in section 32 of the Land Reform (Scotland) Act 2003 with the effect that the Authority is the access authority in relation to land within the Cairngorms National Park.

A Business and Regulatory Impact Assessment in relation to this Order has been prepared and placed in SPICe. Copies can be obtained from Veronica Hepburn, Natural Resources Division, Rural and Environment Directorate, The Scottish Government, Mailpoint 10, 1-D (North), Victoria Quay, Edinburgh, EH6 6QQ.