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SCHEDULES

SCHEDULE 10

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO NATIONAL PARKS

The National Parks and Access to the Countryside Act 1949 (c. 97)

- 2 (1) In section 6 of the National Parks and Access to the Countryside Act 1949 (general duties of Countryside Commission and the Countryside Council for Wales as respects the National Parks)—
- (a) in subsection (3)—
 - (i) in paragraph (a), before “local authorities” there shall be inserted “National Park authorities and ”; and
 - (ii) in paragraph (b), before “local authority” there shall be inserted “National Park authority ”;
 - and
 - (b) in subsection (6), after “means” there shall be inserted the words “ a National Park authority or ”.
- (2) In section 7 of that Act—
- (a) in subsection (5) (bodies consulted about variation of the area of a National Park), after “consult with” there shall be inserted “ any National Park authority for the Park in question and with ”; and
 - (b) in subsection (6) (notices), after “as the case may be” there shall be inserted “ at the offices (where the order is for the variation of an order designating a Park) of any National Park authority for the Park in question ”.
- (3) In section 9(1) of that Act (local planning authority to consult Countryside Commission or Countryside Council for Wales about proposals for a development plan affecting a National Park), for “the local planning authority” there shall be substituted “ the authority or authorities who are required to prepare the plan or, as the case may be, who are entitled to alter or add to it ”.
- (4) In section 12(1) of that Act (provision in a National Park of facilities) for “provision in” there shall be substituted “ provision for ”.
- (5) In subsection (4) of section 51 of that Act (consultation as to proposals for a long distance route)—
- (a) after the word “every”, in the first place where it occurs, there shall be inserted “ National Park authority, ”;
 - (b) after “whose” there shall be inserted “ Park or ”; and
 - (c) after “every such” there shall be inserted “ authority, ”;
- and in subsection (5) of that section (report to contain estimates of capital outlay by local authorities), after “local authorities” there shall be inserted “ and National Park authorities ”.

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- (6) In section 52(2) of that Act (notice of determination as to any proposals on long distance routes)—
- (a) after “every” there shall be inserted “ National Park authority ”; and
 - (b) after “whose” there shall be inserted “ Park or ”.
- [^{F1}(7) For section 88 of that Act (application to areas of outstanding natural beauty of provisions relating to National Parks) there shall be substituted—

“ Functions of certain bodies in relation to areas of outstanding natural beauty.

- (1) The following provisions of this Act, that is to say—
 - (a) paragraph (e) of subsection (4) of section six,
 - (b) section nine,
 - (c) subsection (1) of section sixty-two,
 - (d) subsection (5) of section sixty-four, and
 - (e) subsections (5) and (5A) of section sixty-five,
 shall apply in relation to areas of outstanding natural beauty as they apply in relation to National Parks.
- (2) In paragraph (e) of subsection (4) of section six of this Act as it applies by virtue of the last foregoing subsection, the expression “appropriate planning authority” means a local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty and includes a local authority, not being a local planning authority, by whom any powers of a local planning authority as respects an area of outstanding natural beauty are exercisable, whether under this Act or otherwise.
- (3) The provisions of section 4A of this Act shall apply to the provisions mentioned in paragraphs (a) and (b) of subsection (1) of this section for the purposes of their application to areas of outstanding natural beauty as the provisions of the said section 4A apply for the purposes of Part II of this Act.
- (4) A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty shall have power, subject to the following provisions of this section, to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much thereof as is included in their area.
- (5) Nothing in this Act shall be construed as limiting the generality of the last foregoing subsection; but in so far as the provisions of this Act confer specific powers falling within that subsection those powers shall be exercised in accordance with those provisions and subject to any limitations expressed or implied therein.
- (6) Without prejudice to the powers conferred by this Act, subsection (4) of this section shall have effect only for the purpose of removing any limitation imposed by law on the capacity of a local planning authority by virtue of its constitution, and shall not authorise any act or omission on the part of such an authority which apart from that subsection would be actionable at the suit of any person on any ground other than such a limitation.”]

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- (8) In section 114(2) of that Act (construction of references to the preservation of the natural beauty of an area) after the word “preservation”—
- (a) in the first place where it occurs, there shall be inserted the words “, or the conservation, ”, and
 - (b) in the second place where it occurs, there shall be inserted the words “ or, as the case may be, the conservation ”.
- (9) In Schedule 1 to that Act (procedure for certain orders)—
- (a) in paragraph 1, after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) Where under this paragraph any notice is required to be given by any person in respect of any land which is already in a National Park for which a National Park authority is the local planning authority, that person shall serve a copy of that notice on that authority.”;
 - (b) in paragraph 2(5), after “the Council” there shall be inserted “ a National Park authority, ”;
 - (c) in paragraph 3(a), after “under sub-paragraph” there shall be inserted “ (3A) or ”; and
 - (d) after paragraph 3 there shall be inserted the following paragraph—

“3A An order designating a National Park shall have effect as from such time as may be determined by the Minister and specified in the notice of the confirmation of that order.”

Textual Amendments

- F1** Sch. 10 para. 2(7) repealed (1.4.2001 for E. and otherwise *prosp.*) by 2000 c. 37, ss. 102, 103, **Sch. 16 Pt. V**; S.I. 2001/114, **art. 2(2)(m)**

Commencement Information

- II** Sch. 10 para. 2 wholly in force at 1.4.1996; Sch. 10 para. 2 not in force at Royal Assent see s. 125(3); Sch. 10 para. 2(1)(3)-(9)(a)(c)(d) in force at 23.11.1995 by S.I. 1995/2950, **art. 2(1)** (subject to art. 2(2)); Sch. 10 para. 2(2)(9)(b) in force at 1.4.1996 by S.I. 1995/2950, **art. 3(1)** (subject to art. 3(2) which art. 3(2) was revoked (1.4.1997) by S.I. 1996/2560, **art. 3**)

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