



Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

National Park authorities

22 English National Park authorities: general powers

After section 65 of the Environment Act 1995 insert—

“65A English National Park authorities: general powers

- (1) An English National Park authority may do—
 - (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with—
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an English National Park authority to do something, it confers power (subject to section 65B) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an English National Park authority by subsection (1) is in addition to, and is not limited by, the other powers of the authority.
- (4) In this section, and in sections 65B and 65C, “English National Park authority” means a National Park authority for a National Park in England.

65B Boundaries of powers under section 65A

- (1) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
- (2) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (a) to its power under section 65A(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 65A(1).
- (3) If exercise of a pre-commencement power of an English National Park authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 65A(1) so far as that power is overlapped by the pre-commencement power.
- (4) Section 65A(1) does not authorise an English National Park authority to borrow money.
- (5) Section 65A(1)(a) to (c) do not authorise an English National Park authority to charge a person for anything it does otherwise than for a commercial purpose.
- (6) Section 65A(1)(d) does not authorise an English National Park authority to do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- (7) Where under section 65A(1)(d) an English National Park authority does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.
- (8) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

 - (a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 22 of that 2016 Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

 - (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 22 of that 2016 Act;

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section 22 of that 2016 Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

65C Power to make provision supplemental to section 65A

- (1) The Secretary of State may by regulations make provision preventing an English National Park authority from doing under section 65A(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by English National Park authorities of the power conferred by section 65A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (3) Before making regulations under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of English National Park authorities, and
 - (b) such other persons (if any),as the Secretary of State considers appropriate.
- (4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—
 - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to English National Park authorities, or
 - (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply English National Park authorities.

65D Procedure etc for regulations under section 65C

- (1) The power to make regulations under section 65C—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
 - (d) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before the Cities and Local Government Devolution Act 2016 or in the same Session as that Act.
- (2) A statutory instrument containing regulations under section 65C may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) does not apply to a statutory instrument that contains regulations only of the following kind—

Status: This is the original version (as it was originally enacted).

- (a) regulations under section 65C(1) that make provision for the purpose mentioned in section 65C(4)(b);
 - (b) regulations under section 65C(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose;
 - (c) regulations made by virtue of subsection (1)(c) that do not contain provision amending or repealing a provision of an Act.
- (4) A statutory instrument to which subsection (2) does not apply is subject to annulment by resolution of either House of Parliament.
- (5) If a draft of regulations under section 65C would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”