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STATUTORY INSTRUMENTS

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**2005 No. 421**

**The New Forest National Park  
Authority (Establishment) Order 2005**

**PART 1**

*Introductory*

**Citation and commencement**

**1.** This Order may be cited as the New Forest National Park Authority (Establishment) Order 2005 and shall come into force on 24th March 2005.

**Interpretation**

**2.** In this Order—

“the 1972 Act” means the Local Government Act 1972<sup>(1)</sup>;

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(2)</sup>;

“the 1995 Act” means the Environment Act 1995;

“the 2000 Act” means the Countryside and Rights of Way Act 2000<sup>(3)</sup>;

“the acting National Park officer” means the officer appointed by the Secretary of State in accordance with article 11(1);

“the Authority” means the New Forest National Park Authority established by article 3;

“the establishment date” means 1st April 2005;

“the National Park officer” means the officer appointed by the Authority in accordance with paragraph 14 of Schedule 7 to the 1995 Act;

“a New Forest local authority” means a council mentioned in article 5;

“the operational date” means 1st April 2006;

“the relevant functions” means the functions which under Part III of the 1995 Act or this Order become, on the operational date, functions of the Authority; and

“the transitional period” means the period beginning with the establishment date and ending with 31st March 2006.

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<sup>(1)</sup> 1972 c. 70.

<sup>(2)</sup> 1989 c. 42.

<sup>(3)</sup> 2000 c. 37.

## PART 2

### *Establishment, constitution and administration of the Authority*

#### **Establishment**

3. On the establishment date there shall be established an authority, to be known as “the New Forest National Park Authority”, for the New Forest National Park(4).

#### **Membership of the Authority**

4.—(1) The specified number of local authority members of the Authority shall be twelve.

(2) The specified number of members of the Authority to be appointed by the Secretary of State shall be ten.

(3) The specified number of members of the Authority to be appointed by the Secretary of State who shall be parish members shall be 4.

#### **Appointment of local authority members of the Authority**

5. The local authority members of the Authority shall be appointed as follows—

- (a) five members shall be appointed by Hampshire County Council;
- (b) one member shall be appointed by Wiltshire County Council;
- (c) four members shall be appointed by New Forest District Council;
- (d) one member shall be appointed by Salisbury District Council; and
- (e) one member shall be appointed by Test Valley Borough Council.

#### **First appointment of members of the Authority**

6. The Secretary of State and each of the New Forest local authorities shall appoint their respective first members of the Authority before the establishment date, and those appointments shall take effect on that day; but no appointment shall be treated as invalid by reason only of a failure to make the appointment as required by this article.

#### **Resignation of office**

7. A member may at any time resign his membership of the Authority by notice in writing delivered to the Authority, and that resignation shall take effect on the receipt of the notice by the Authority.

#### **Vacancies**

8. Where a vacancy arises in the membership of the Authority, it shall be filled as soon as practicable—

- (a) where the vacancy is created by a local authority member, by the council in whose representation the vacancy arises in accordance with paragraph 2(4) to (7) (local authority members) of Schedule 7 to the 1995 Act; and

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(4) The New Forest National Park was designated by order of the Countryside Agency on 24th January 2002 under section 7 of, and Schedule 1 to, the National Parks and Access to the Countryside Act 1949 (c. 97); that order was confirmed with modifications by the Minister under paragraph 2 of Schedule 1 to that Act on 1st March 2005 and took effect on that date.

- (b) where the vacancy is created by a member appointed by the Secretary of State, by the Secretary of State in accordance with paragraph 3 (parish members of English National Park authorities) or paragraph 4 (members (other than parish members) appointed by the Secretary of State), as the case may be, of Schedule 7 to the 1995 Act.

### **Notice of appointment, etc.**

**9.**—(1) Where a member is appointed to the Authority, or a vacancy arises in the membership of the Authority for any reason other than resignation—

- (a) where the member, or the member giving rise to the vacancy, was a local authority member, the council by whom he was appointed, or
- (b) where the member, or the member giving rise to the vacancy, was appointed by the Secretary of State, the Secretary of State,

shall as soon as practicable give notice in writing to the Authority stating the name of the member appointed and the date of his appointment or, as the case may be, of the occurrence of the vacancy.

(2) As soon as practicable after receiving a notice under article 7 or this article, the Authority shall give public notice of—

- (a) the appointment or, as the case may be, the resignation, termination or vacancy; and
- (b) the name of the person concerned.

### **Meetings and proceedings**

**10.** Schedule 1 shall have effect with respect to the meetings and proceedings of the Authority.

### **Acting National Park officer**

**11.**—(1) Until such time as the Authority appoint a National Park officer in accordance with paragraph 14 of Schedule 7 to the 1995 Act, the Secretary of State shall appoint an officer who shall be known as “the acting National Park officer”.

(2) The acting National Park officer shall, until the appointment of a National Park officer as mentioned in paragraph (1), act as, and have the powers of, the National Park officer for the Authority.

### **Reports and returns**

**12.** The Authority shall, if so requested by the Secretary of State, forthwith send or give to the Countryside Agency and to each New Forest local authority a copy of any report, return or information which the Authority is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act<sup>(5)</sup> (reports and returns).

### **Accounts, etc.**

**13.**—(1) Subject to paragraphs (2) and (3), the Authority shall—

- (a) keep a fund (to be known as the general fund) to which all income of the Authority shall be carried, and from which all expenditure discharging liabilities shall be met; and
- (b) keep accounts of income and expenditure of the general fund.

(2) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Authority to keep—

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<sup>(5)</sup> Section 230 of the 1972 Act applies to the Authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.

- (a) a specific fund or funds in respect of specified income and expenditure of the Authority; or
- (b) specific accounts in respect of specified income and expenditure of any funds of the Authority.

(3) Nothing in paragraph (1)(a) shall be construed as requiring or authorising the Authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

#### **Staff**

14. The provisions of Schedule 2 shall have effect in relation to staff.

### **PART 3**

#### *Functions*

#### **Application of section 4A of the Town and Country Planning Act 1990**

15. In relation to the New Forest National Park, 1st April 2006 is the time specified for the purposes of section 4A of the Town and Country Planning Act 1990 (the Authority to be the sole local planning authority).

### **PART 4**

#### *Application of enactments, transitional and supplemental provision etc.*

#### **Application of enactments and instruments**

16. <sup>[F1]</sup>The enactments and instruments mentioned in Schedule 3 shall apply to the Authority with the modifications there set out.]

<p><b>F1</b> <a href="#">Art. 16</a> revoked in part (1.4.2010) by <a href="#">The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)</a>, <a href="#">reg. 1(2)</a>, <a href="#">Sch. 7 Pt. 1</a> (with <a href="#">reg. 125</a>)</p>
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#### **Transitional and supplemental provision**

17. Schedule 4 shall have effect for the purpose of making transitional and supplemental provision.

#### **Continuity of exercise of functions**

18.—(1) The vesting in the Authority on the operational date of the relevant functions of the New Forest local authorities shall not affect the validity of anything done by or in relation to any of those functions before that date.

(2) The Authority may continue, on or after the operational date, any action or matter commenced before that date by a New Forest local authority in relation to any relevant function, and anything done by that New Forest local authority in relation to that action or matter shall, so far as is required for continuing its effect on and after the operational date, have effect as if done by the Authority.

(3) Any reference, however framed, to a New Forest local authority in any document relating to any of the relevant functions shall, so far as is required for giving effect to this article, be construed as a reference to the Authority.

(4) The provisions of this article are without prejudice to any other provision made under this Order in relation to any particular relevant function and shall not be considered as continuing in force any contract of employment.

*Alun Michael*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

**Changes to legislation:**

There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005.